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# WOODCUTS

by BERTRAND ZADIG

Based upon authentic paintings, engravings,  
and photographs of representative Americans

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THE  
HISTORY  
OF  
THE AMERICAN NATION

•

Who cometh over the hills,  
Her garments with morning sweet,  
The dance of a thousand rills  
Making music before her feet?  
Her presence freshens the air;  
Sunshine steals light from her face;  
The leaden footstep of Care  
Leaps to the tune of her pace.  
Fairness of all that is fair,  
Grace at the heart of all grace,  
Sweetener of hut and of hall,  
Bringer of life out of naught,  
FREEDOM, O fairest of all  
The daughters of Time and Thought!

—LOWELL, "Commemoration Ode "

## CHAPTER I: AN INTRODUCTION

### EUROPEAN RIVALS FOR AMERICA, 1500-1700

THIS introductory chapter sketches America as the early English settlers found it. If it is asked why we begin with what the English found rather than with what the French or Spanish or Dutch found, the answer is not far to seek. Many peoples have played each its indispensable part in making the composite American civilization. Even in the closing colonial period, Frenchman, Dutchman, German gave us much of our blood and of our thought. Later, Norseman and Irishman, and finally Slav and Latin, besides invaluable contributions in music and art and literature, have made the sinew of our national life. But, after all, the main forces that have shaped that life—the institution-building forces—were supplied by the early English settlers.

This truth holds for the American *family* as for the American *state*. There were broad likenesses, no doubt, between the peoples of all western Europe in their family life, but there were also many significant differences. And American colonial family life was derived from the English pattern, not from the French or Spanish or German. The authority of the father and the limits to that authority, the rights of wife and of children, or the lack of such rights, the inheritance of property, and the most intimate family customs, all started from English foundations. So, too, American political freedom has its roots deep in the story of England. In that little island, comparatively free from peril of despotic conquest from abroad, was first wrought out for the world the beginnings of constitutional liberty—the union of a strong government and free institutions:

Lance and torch and tumult, steel and gray-goose wing,  
Wrenched it, inch and ell and all, slowly from the king.

American political history begins with the transplanting of those institutions and traditions to this new continent—for a still freer growth. This transplanting, too, was carried out by Englishmen of the most heroic century in all English history, the splendid day of Elizabeth and Shakespeare and Bacon and Milton and Cromwell. And these names suggest another way in which English influence has shaped American life. Because our language itself was English, so, too, in great measure, were our early idea-building forces. For the first two hundred years, while America still produced little literature of its own, the books in American colleges and schools and homes were almost exclusively English—as, indeed, most of those produced anywhere outside America still are.

### SPAIN IN AMERICA

Spain was first in the field in American colonization. During the Crusades, Europe had learned to depend on Asiatic spices, sugars, cottons, silks, and metal-wares as luxuries and even as daily necessities. For two hundred years a vast caravan trade brought these articles in steady streams from central Asia to the eastern shores of the Mediterranean. But in the fifteenth century the swift spread of Turkish power in Asia Minor threatened to close those old routes—which even before had been monopolized extortionately by the merchants of Venice and Genoa. So the Atlantic seaboard countries of Europe, just then awakening from the long torpor of the Middle Ages and astir with new impulses, began eagerly to seek new trade routes into Asia. Portugal found one, to the south, around Africa. Columbus, aided by the Spanish queen, tried a still bolder western road—and stumbled on America in his path.

This discovery marked the close of the fifteenth century.

The next century in the New World was Spain's. The story of her conquests is a tale of heroic endeavor marred by revolting ferocity. Not till twenty years after the discovery did the Spaniards advance to the mainland for settlement, but, once begun, her handfuls of adventurers swooped swiftly north and south. By 1550, she held not only all South America (save Portugal's Brazil) but also all Central America, besides vast undefined regions northward, known as "Florida" and "Mexico"—which last term came to include the Californias far up the Pacific coast. Before the end of another quarter-century, there were two hundred Spanish towns within these realms, with a total white population of more than 150,000 souls.

Everywhere the conquerors dwelt as lords among vastly larger populations of submissive natives whom they had enslaved and Christianized. By the labor of those natives they drew agricultural wealth from the soil of the rich alluvial valleys near the coast, or guarded their uncounted herds of cattle and sheep that roamed over the "ranches" of the Argentine or of "New Mexico," or mined precious metals from ancient diggings of the Incas and Montezumas.

The gold from Mexico and Peru helped give Spain her proud place as the most powerful country in Europe through most of the sixteenth century, and she guarded her American possessions jealously. The Gulf of Mexico and the Caribbean were Spanish lakes, and the whole Pacific a closed sea. Frenchman or Englishman caught trespassing upon those waters was likely to find a grave beneath them.

After a district was thoroughly subdued, the relation between natives and conquerors was not harsh. Slavery always has its shames; but usually, except in the mines, the chivalrous Spanish gentlemen were kindly masters, ruling their hundreds or thousands of loyal dependents with patriarchal sway, much as they did their households. Soon, too, the govern-

ment of Spain forbade further enslavement of natives. Thereafter, the Indians in the neighborhood of Spanish settlements grew into a class of peons, much like the serfs then still common in western Europe. In many a district, too, the only Europeans, for long, were missionary friars, who gathered a large, contented settlement of Indian converts about the walls of the mission buildings, ruling their lives with gentle authority and teaching them to grow vineyards and orchards.

The common soldiers among the conquerors usually took Indian women for wives. From such mixture arose the many Spanish-American nationalities—in most of which the Spanish blood was soon well nigh lost, though Spanish remains the language of half the New World. Indeed, statisticians prophesy that in the year 2000 twice as many men will speak that tongue in America as will speak English there.

Life in Spanish America was not progressive, but it was leisurely and contented, and for the masters it had a kind of lordly stateliness. A landed proprietor rode and hunted over a vast estate, of which he himself sometimes hardly knew the bounds. With a mounted train of attendants, he visited the nearest but still distant neighbors, and, in turn, entertained them with courteous ceremonial and magnificence.



In no part of Spanish America did the people have any self-government. Even the great landlords, little monarchs as they were on their own domains, had no share whatever in the government of their country. Until after 1800, Spanish America was merely a group of subject provinces, ruled by appointed officials sent out from old Spain. Many of these Spanish governors were high-minded gentlemen, but their rule was bad because their first and almost sole duty was to make the provinces profitable to Spain.

The precious metals of Mexico and Peru were not permitted to make those countries rich. Instead, they were drained

across the Atlantic, in great "plate fleets," to enrich the king of Spain. The trade of the colonies, too, was made to enrich only the merchants of Spain. For two hundred years all commerce to and from Spanish America had to pass through their hands and through Spanish harbors.

To make sure that these despotic "Navigation Acts" were obeyed, trade with the outside world was limited to two American ports and to certain dates. Once a year, a fleet sailed from Spain to Porto Bello (on the Isthmus) and another to Vera Cruz in Mexico. At each of these ports the arrival of the fleet was followed by a forty-day fair, to exchange the European imports for American metals, cattle, hides, and tropical woods. All other commerce, even between the different Spanish colonies, was forbidden—on pain of death.

This arrangement increased many fold the cost of European goods to the colonist. At the same time, it robbed him of much of the value of his own products—with which he had to make payment. The cattle raised on the rich plains of the Argentine could reach a lawful market only by being carried across the continent to Peru, thence by sea to Panama, again across the Isthmus to Porto Bello, and (one chance a year) from that port to Spain. In the eighteenth century an ox at Buenos Aires was worth not more than a dollar, and a sheep only three cents—and this much only because some smuggling trade had grown up in spite of the horrible penalties. With their products at such values, the colonists could not in proper degree purchase the products of European civilization. Except in favored centers, they were forced back in their manner of life toward the barbarism of the natives.

Spain's rulers were not content with even their huge empire in America. They were planning grandly to fasten their hold upon the Mississippi valley and the Appalachian slope, when the defeat of their "Invincible Armada" set a limit to their advance. Spain had already conquered in America much faster

and farther than she could occupy. The Spanish Americans were scattered over an immense area, merely dotted with occasional settlements. This was especially true in North America. (Of the two hundred Spanish towns, only St. Augustine and Sante Fe, small places both, were far enough north to lie within the present limits of the United States.) Spain's lordship in the New World had rested on her mastery of the seas. That mastery vanished in the nine-day sea fight of 1588 in the English Channel. The overthrow of the Armada did more than save England in Europe: it was a turning point in world history—one of the chief causes why the people of the Mississippi valley today speak English rather than Spanish. Spain's supremacy in Europe began to decline, and she ceased to expand in America. It was long before she actually lost territory there, but other European countries now felt free to try their fortunes in those parts where she had not already set her grasp.

### FRANCE IN AMERICA

France seized upon the two "gateways" to the interior of North America—the St. Lawrence system and the Mississippi—and for a time seemed most likely to succeed Spain as mistress in the northern parts of the New World. A quarter of a century, it is true, went to exploration and failure, but in 1608 (just twenty years after the English sea-dogs vanquished the Armada) Champlain founded the first successful French colony at Quebec. Soon canoe fleets of fur-traders and missionaries were coasting the shores of the Great Lakes, founding French stations at points still marked by French names, and Quebec became the capital of a far-flung northern district known as "New France," or "Canada."

Then, in 1682 after years of splendid effort, LaSalle succeeded in following the Mississippi to the Gulf, setting up a French claim to the entire valley, naming it "Louisiana" in

honor of the Grand Monarch, Louis XIV. Before the end of the century, France possessed there, near the mouth of the valley, the rich semi-tropical colony of "New Orleans," joined in later years, along the interior waterways, to the snows of Canada by a thin line of trading stations and military posts such as Detroit, Sault Ste. Marie, Vincennes, Kaskaskia, and Natchez.

From the beginning of this colonization, it was plain that France and England were the real rivals for the eastern parts of North America. The open struggle between them began in 1689 and lasted, in a series of wars, until France was thrust out of the continent in 1763.

It is easy to point out certain French advantages for this struggle. At home French statesmen worked steadily to build a French empire in America, while the English government ignored English colonies. The thought of such an empire, too, inspired French explorers in the wilderness—gallant and able patriots like Champlain, Ribault, and LaSalle. France also sent forth the most zealous of missionaries, like the heroic Marquette, to convert the savages. Patriotism and missionary zeal played a greater part in founding New France than in establishing either Spanish or English colonies. Moreover, the French could deal with the natives better than the less sympathetic English could, and their leaders were men of far-reaching views.



Why, then, did France fail?

The chief external cause was the relentless hatred of the Iroquois (page 16). Curiously enough, it was the ability of the French to make friends with the natives, which brought upon them this terrible scourge. Champlain came first in touch with Algonkin tribes, and won their friendship. He accompanied these allies on the warpath against the Iroquois

—and so made the Iroquois foes to New France. (1) The Iroquois annihilated the Huron Indians, whom French missionaries, after many heroic martyrdoms, had christianized, and upon whom they had hoped to build a native civilization. (2) At times they struck terrible blows at New France itself. (3) They shielded the English colonies, during their weakness, from French attack. The French in Canada could strike at the English only by way of the route followed later by Burgoyne. Everywhere else the wilderness between Canada and the English settlements was impassable except by prowling bands; and this one route was guarded by the Iroquois. (4) They diverted the whole course of French exploration and settlement from the Ohio valley.

The home of the Iroquois confederacy in western New York commanded the headwaters of the Delaware, Susquehanna, and Mohawk-Hudson system, and the portage at Niagara from Erie to Ontario, as well as part of the headwaters of the Ohio. The French leaders had keen eyes for military geography and would certainly have seized this position at any cost if they had been able to learn its character. They would then have fortified the Ohio by a chain of posts, as they did their other waterways; and this would have buttressed their position on the Mississippi and the Lakes so as to defy attack. But they did not suspect the importance of the Ohio valley until too late. Montreal was founded in 1611; but, instead of reaching the interior from there by the upper St. Lawrence and Lake Erie, French traders turned up the Ottawa, so as to avoid the Iroquois, and reached Lake Huron by portage from Nipissing (page 143). Lake Erie was the last, instead of the first, of the Lakes to be explored. It was practically unused until 1700, and the country to the south remained unknown even longer. Because of the Iroquois, the French could not follow the Lake's southern shore, or use the portage at Niagara. When they awakened to the value of the Ohio val-

ley, English traders had begun to push into it, with cheaper goods; and the opportunity for France was already lost.

But more important than any external factor were certain inherent weaknesses in French colonization. The fundamental causes of failure were the lack of farm homes, the lack of independence in industry, and the lack of self-government.

1. In Nova Scotia (or Acadie) and along the banks of the St. Lawrence, little groups of unprogressive French peasants farmed the estates of great lords, to whom the French king had given the land, much as they had formerly farmed their lords' estates in Europe. Montreal and Quebec were gay with the balls of the noble seigneurs, whose wives and daughters copied as best they might the gay life of the Paris of their time; but there were no busy little towns, like those of New England, and no sturdy, independent farmers. Except for some of the noble class, few French immigrants brought families with them. Many of them took Indian wives. The sons of these marriages did not take readily to regular labor. Instead, they turned to trapping and the fur trade, and tended to adopt Indian habits. The French government in Europe sought in vain to remedy this by sending over cargoes of "king's girls," and by offering bonuses for early marriages and large families. But even with this fostering, French colonization did not produce numbers. In 1754, when the final struggle for the American continent began, France had three times as many people in Europe as England had, but in America she had only a twentieth as many colonists! And these, except for the noble leaders and the missionaries, were largely reckless and roaming adventurers. While English colonists were building homes, the French mainly were building distant forts and trading posts.

2. Paternalism smothered private enterprise. In all industries, New France was taught to depend upon the aid and direction of a government three thousand miles away. Aid

was constantly asked from the king. "Send us money to build storehouses," ran the begging letters of Canadian officials; "Send us a teacher to make sailors"; "We want a surgeon"; and so, at various times, requests for brickmakers, ironworkers, pilots, and other skilled workers. Such requests were usually granted, but New France did not learn to walk alone. The rulers did much, but the people did little.

3. Political life was lacking. In the seventeenth century France itself was a centralized despotism, and in New France (to use the phrase of Tocqueville) "this deformity was seen magnified as through a microscope." No public meetings were permitted without a special license, and such meetings, when held, could do nothing worth while. All sorts of matters, even the regulation of inns and of pew rent, the order in which people should sit in church, the keeping of dogs and of cattle, the pay of chimney sweeps, were settled by ordinances of the governors at Quebec, who were sent over by the French king. "It is of the greatest importance," wrote one official, "that the people should not be at liberty to speak their minds."

And the people had no minds to speak. In 1672, Frontenac, the greatest governor of New France, tried to introduce the elements of self-government. He provided a system of "estates" to advise with him—a gathering of clergy, nobles, and commons (citizens and merchants); and he ordered that Quebec should have a sort of town meeting twice a year to elect aldermen and to discuss public business. But the home government sternly disapproved all this, directing Frontenac to remember that it was "proper that each should speak for himself, and no one for the whole"—the favorite maxim of despotism, political or industrial. So the plan fell to pieces, and the people cared so little for it that they made no effort to save it! When such a plan was introduced in Virginia (which also during its first years had lacked such privileges) we shall see that no mere paper decree could take it away.

The easiest way for France to have corrected the evils in her colonization would have been to let the Huguenots come to America. They were the most skillful artisans and agriculturists in France, and they had shown some knack for self-government. Moreover, they were anxious to come, and to bring their families. But the government, which lavished money in sending out undesirable emigrants, refused to allow these heretics to establish a state in America. After all, in large part, it was religious bigotry that cost France her chance for empire.

### WHAT THE ENGLISH FOUND

American history has no primitive period. The earliest colonists had command enough over nature not to be controlled by her to any such degree as were the early Greeks or Latins or the primitive English in their old home. Nature has counted for less, and man for more, than in Old World history. Moreover, our early history has to do almost exclusively with the Appalachian coast, and that fringe of the continent is more like the European homes of the early colonists than is any other large district in America. The lives of the English settlers were far less changed by removal thither than if they had colonized the Mississippi valley or the Pacific coast.

Still the Appalachian coast does differ from the European coast of the Atlantic in two matters that vitally influenced colonization. (1) The summers are hotter and the winters colder than in Europe. Unexpected fevers in one season, and unforeseen freezing in the other, ruined more than one attempt at settlement. Captain George Weymouth explored the region near the mouth of the Kennebec in the spring of 1605, and brought back to England glowing reports of a balmy climate "like that of southern France"; but the colonists who, trusting to this account, tried to settle there two years later (page 29), suffered cruelly from a winter like that of Norway. (2)

Then, too, as one goes from north to south, the climate changes more swiftly in America than in Europe. In their settlements, between Maine and Florida, English colonists encountered climates as different as they would have found in the Old World if they had spread out from Norway to Morocco—many times the variation they had known in the home island.

Moreover, owing to differences in soil, as well as to variation in climate, the natural products varied greatly from north to south, and so occupations varied. The rich lands of the South were suited to the cultivation of tobacco or rice or cotton, in large tracts, by slaves or bond servants. The middle district could raise foodstuffs on a large scale. The North was less fertile: farming was not profitable except in small holdings with trustworthy "help"; but the pine and oak forests of that region, its harbors, and the fish in its seas invited to lumbering, shipbuilding, commerce, and fishing. Each section had its distinct set of industries, and so came to have its peculiar habits of living. Virginia Englishmen and New England Englishmen grew apart in life and character.

These tendencies to sectionalism were reinforced by the lack of easy communication. In our own day such tendencies are vanquished by constant intercourse and by the amazing fluidity of our population. Of three brothers born in Minnesota fifty years ago, one lives in New Orleans, one in San Francisco, the third in Boston, and the three meet in occasional visits of business or friendship. But nothing of this was known to the colonial period. Communication from North to South was difficult. Colony was divided from colony, or groups of colonies were divided from one another, by arms of the sea. Even when two colonies lay side by side without intervening bays, there were still no roads running from one to the other. The only highways were the rivers, flowing from the mountains to the sea, and as a rule, a colony found it about as convenient to communicate with England as with its neighbor on either side.

But geography did give the English colonists two advantages over their European rivals in America. Their territory was both more accessible and more compact than that held by France or Spain. We have spoken of the vast inland valleys of the St. Lawrence and the Mississippi, where the French cast their fortunes, as "gateways to the continent"; and so they are—to the interior. But in the early days men did not care to go far into the interior. They liked better the fringe of the continent, where they could keep in touch with the old home. Moreover, in the age before steamships, vessels could hardly ascend the Mississippi above New Orleans, because of the swift current and countless snags and bars, and much of the year the St. Lawrence was ice-locked; but the strip of coast colonized by England, between the Appalachians and the sea, had countless little harbors easily open to the small sailing vessels of that day. On the other hand, when once small bands of French and Spaniards had won their way to the interior, they spread themselves out too fast—faster than their strength justified. But the rugged Appalachians, singularly impassable for such low mountains, covered as they were with forests tangled with underbrush and vines, kept the English colonists from scattering too hastily. It was easier for the English than for the others to get into America, and, after they got there, it was not so easy for them to weaken themselves by dispersing too widely. True, four rivers broke the Appalachian wall (the Potomac, Delaware, Susquehanna, and Hudson-Mohawk), but, without more engineering skill than that age possessed, only the Mohawk could be used as a road to the inner country—and that route was closed by the formidable Iroquois.



Three groups of Indian peoples held the country between the Atlantic and the Mississippi—the Iroquois, the Gulf tribes, and the Algonkins,—numbering fewer people in all than are

found today in many a single city in that district. (1) The Confederacy of the "Six Nations" of the Iroquois (page 13) was the strongest native power for war. These tribes dwelt in compact, fortified villages in what is now western New York. (2) The Gulf tribes (Choctaws, Seminoles, Creeks) had made the most progress toward civilization, especially in agriculture; but they were too far south and west to have much effect upon white settlement until the beginnings of Georgia and Tennessee, almost at the end of the colonial period. (3) The roaming Algonkins, numbering possibly 100,000, were much the largest of the three groups, but also much the least united and least civilized. Thinly scattered in a multitude of petty and mutually hostile tribes, they "haunted, rather than inhabited, a vast hunting preserve" stretching from the Atlantic to the Mississippi and from the Ohio to the far north. To this group belonged the Powhatans, Delawares, Narragansetts, Pequods, Mohegans, and indeed nearly all the tribes with which the early English settlers came in contact.

These scattered Algonkins were not powerful enough to endanger European settlement seriously. At the same time they were more savage and untamable than the gentler races of South America whom Spanish conquerors enslaved so easily. They did not make profitable slaves—and so the English did not mix with them. Then, too, they were dangerous enough to scattered settlements to reinforce the most favorable geographical factor and help keep the early English colonies fairly compact. This compact settlement gave opportunity for truer civilization and for more division of labor and consequent industrial progress, and also made it easier for the colonies to unite against England when the time came. The natives, like nature, seeming unkind to the English settler, were really kinder to him than to his rivals.

In various ways, too, the Indians aided English colonization directly. They furnished the first settlements with the "Indian corn" that many a time saved from starvation, and

soon they taught the European immigrant to raise not only this maize but also tobacco—which became his first important export and brought him his first wealth. Colonies too far north to raise tobacco profitably found their first wealth in furs, especially in beaver skins, obtained cheaply from native hunters. Indian wampum at times made an important part of colonial money. Forest trails, worn deep by the feet of generations of red men, became highways for white travel. And stations for the exchange of furs, where certain trails and Indian waterways met, became the sites of mighty cities, like Milwaukee, Chicago, St. Louis, Detroit, and Duluth.

Maize was long the main food of the colonists. European grain failed in the new climate season after season, until the colonist had learned to deal with the new conditions. Moreover, to clear and prepare the soil for wheat or barley took much time and toil. Maize was a surer and easier crop. When European settlement began, the Indians in America were raising at least a million bushels a year. They had learned to select the seed, to fertilize the soil, and to preserve the crop for winter by drying it in the sun or in earth ovens. They taught the colonists how to raise it, at need, without even clearing the forest—merely girdling the trees (to kill the foliage) and planting among the standing trunks. It was no accident that this Indian grain came to be called “corn,” the generic English name for grain.

In later times, the Indian has made many contributions of a different sort to our civilization. American writers have drawn largely upon Indian life and character. Painters and sculptors have found the red man an interesting and picturesque subject for their art. Our musicians sometimes use Indian themes in their composition. And our decorative art often borrows Indian schemes of ornament.

Many of the old tribes have wholly disappeared. Still there are today almost as many Indians in the United States as

there were in the same territory three hundred years ago. At the census of 1920, about half of them (some 185,000) were still living in tribes on reservations. In 1924, however, all Indians in the United States (even those on reservations) were given full American citizenship by act of Congress. The Indian makes perhaps a third of one per cent of the present American people.

## Part One

### The English in America

*It is to the self-government of England, and to no lesser cause, that we are to look for the secret of that boundless vitality which has given to men of English speech the uttermost parts of the earth as an inheritance.*

—JOHN FISKE



## CHAPTER II

### VIRGINIA AND MARYLAND, TO 1660

#### THE MOTIVES OF EARLY ENGLISH COLONIZATION

*Virginia was founded by a great liberal movement aiming at the spread of English freedom and of English empire.*

—HENRY ADAMS.

THE first impulse to English colonization came from English patriotism. When Elizabeth's reign was half completed, little England entered upon a daring rivalry with the overshadowing might of Spain. Out of that rivalry, English America was born. Reckless and picturesque freebooters, like Drake and Hawkins, sought profit and honor for themselves, and injury to the foe, by raiding rich provinces of Spanish America. More far-sighted statesmen, like Raleigh, saw that English colonies in America would be "a great bridle to the Indies of the Kinge of Spaine," and began to try so to "put a byt in the anchent enymys mouth." Wrote Richard Hakluyt (*Western Planting*, 1584, A.D.): <sup>1</sup> "If you touch him [Spain] in the Indies, you touch him in the apple of his eye. For, take away his treasure—which he has almost wholly out of his West Indies—his olde bandes of souldiers will soon be dissolved, his pride abated, and his tyranie utterly suppressed."

But to found a colony in those days was harder than we can well comprehend. The mere outlay of money was enormous for that time. Ships had little storage room; so freights were high and the best accommodations were poorer than modern steerage. To carry a man from England to America cost from £10 to £12, or about \$500 in our values (since money in 1600

<sup>1</sup> Hakluyt, a clergyman of the Church of England, wrote this pamphlet, at Raleigh's request, to interest Queen Elizabeth in colonization.

was worth eight or ten times as much as now). To provide his outfit and to support him until he could raise a crop, cost as much more. To establish a family in America took some thousands of dollars.

Moreover, there were no ships ready for the business, and no supplies. The directors of the early colonizing movements met all sorts of costly delays and vexations. They had to buy ships, or build them; and, in Channing's apt phrase, they had to buy food for the voyages "on the hoof or in the shock," and clothing "on the sheep's back." They had also to provide government, medicines, fortifications, military supplies, and food to meet a possible crop failure. Much money, too, was sure to be lost in experimenting with unfit industries under untried conditions—as in the futile attempts to produce silk and make glass in Virginia.

The English crown founded no colonies, nor did it give money toward founding any. It did give charters to those men who were willing to risk their fortunes in the attempt. These charters were grants *of territory* and *of authority* over future settlers. Thus the English colonies (with a few accidental exceptions, which will be noticed) were at first proprietary. The proprietor might be an individual or an English corporation. In either case, the proprietor owned the land and ruled the settlers.

The first colonial charter was granted by Elizabeth, in 1578, to Sir Humphrey Gilbert. Gilbert made two brave attempts at a colony. The second, in the spring of 1583, entered St. John's Harbor on the Newfoundland coast. Gilbert's claims were recognized readily by the captains of the "thirty-six ships of all nations" present there for the fisheries; but desertion and disaster weakened the colonists, and in August the survivors sailed for England. The gallant leader had sunk his fortune, and he himself perished on the return voyage. Song and story dwell fondly on the Christian knight's last words, shouted cheerily through the storm-wrack from his sinking lit-

the ship to comfort friends on the larger consort—"The way to heaven is as near by sea as by land."

Gilbert's enterprise was taken up at once by his half-brother, Sir Walter Raleigh, the most gallant figure of that daring age. In 1584, Raleigh received a charter copied from Gilbert's, and in the next three years he sent three expeditions to Roanoke Island on the Carolina coast, each time in considerable fleets. His first explorers declared the new land "the most plentiful, sweet, fruitful, and wholesome of all the world," and the natives were affirmed to be "such as live after the manner of the golden age." But supplies and reinforcements were delayed by the struggle with the Spanish Armada, and when the next supply ships did arrive, the colonists had vanished without trace.

Raleigh had spent a vast fortune (a million dollars in our values); and, though he sent ships from time to time to search for the lost colonists, he could make no further attempt at settlement. Still, despite their failures, Gilbert and Raleigh are the fathers of American colonization. The tremendous and unforeseen difficulties of the enterprise overmatched even the indomitable will of these Elizabethan heroes; but their efforts had aroused their countrymen and made success certain in the near future. Said Gilbert, "He is not worthy to live at all, that, for feare or danger of death, shunneth his countries service and his owne honour"; and with pathetic courage, when in prison and near his death, Raleigh wrote, "I shall yet see it [America] an Inglishche nation."

The next advance came from a new kind of colonizing organization—the London Company of 1606. For twenty-five years, attempts at colonization had failed, largely because the life-and-death struggle with Spain in Europe drained England's energies. Worse was to come. James I (1603) sought Spanish friendship; and then, indeed, Englishmen began to feel their chance for empire slipping through their fingers. But splendid memories of the great Elizabethan days still

stirred men's hearts; and, as a protest against James' dastard policy in Europe, the fever for colonization awoke again in the heart of the nation. Men said a terrible mistake had been made when Henry VII refused to adopt the enterprise of Columbus, and they insisted vehemently that England should not now abandon Virginia—"this one enterprise left unto these days." Raleigh had found part of his money by forming a partnership with some London merchants. In 1606, some of these same merchants organized a large stock company<sup>2</sup> to build a colony, and secured from King James a grant known as the Charter of 1606, or the First Virginia Charter.

The members of this company hoped for commercial gain. No doubt some of its members cared only for this. But the great leaders cared more, like Raleigh and Gilbert, to build up the power of England, and some of them had it much at heart to christianize the savages. This missionary purpose faded soon for actual colonists, but it long continued powerful in England. The great clergymen who guided the Church of England (then recently cut off from Rome) could not rest content with "this little English paddock" while Rome was winning new continents to herself by her devoted missionaries, nor could these good churchmen help squirming under the taunt of the Romanists "shewinge that *they* are the true Catholicke church because they have bene the onelie converters of many millions of infidells." "Yea," continues the chagrined Hakluyt, "I myself have bene demaunded of them how many infidells have bene by *us* converted." Such Englishmen cared for the London Company mainly in its aspect as a foreign missionary society—the first in the Protestant world—and this missionary character brought the company much moral support and many gifts of money even from outsiders. It is interesting to notice, in the company's records, how often such gifts (varying from a considerable fortune

<sup>2</sup>Stock companies had just come into fashion in England for trading with distant regions, like northern Russia.

to "the widow's mite") were made anonymously, with some express reference to scriptural injunction. Even non-Puritan England was deeply and Biblically religious.

For years, this great company had to struggle with discouragement and distress. But its pamphlets, urging people to buy stock, did not place emphasis on any hope of large dividends—as we expect a prospectus of a commercial company to do—but rather on the meanness and "avarice" of the man who would "save" his money instead of using it to extend English freedom and the kingdom of God. It was these high enthusiasms, far more than it was greed, that a few years later, brought hundreds of the noblest of Englishmen to the rescue of the enterprise.



So far, we have looked only at the motives of Englishmen who stayed at home and there helped to promote American colonization. Now for the motives of the colonists.

In 1600, England needed room. True, the island had still only a tenth as many people as today; but, as industry was carried on in that day, its four millions were more crowded than its forty millions are now. For the small farmers, especially, life had become very hard, and these yeomen furnished most of the manual labor in the early colonies. Few of this class could pay the cost of transporting themselves and their families to America; and so commonly they were glad to bind themselves by written "indentures" to become "servants" to some wealthy proprietor. That is, these "indentured servants" mortgaged their labor for four years, or seven years, in return for transportation and subsistence, and perhaps for a tract of wild land at the end of their term of service.

Captains and capitalists came from the English gentry class. Until the peace with Spain in 1604, many high-spirited youths had been fighting Spain in the Netherlands, for Dutch independence; and others had made the "gentlemen-adven-

turers" who, under leaders like Drake, had paralyzed the far-flung domains of New Spain with fear. To these men, and to many "younger sons" of gentry families for whom there was now no career at home, America beckoned alluringly as the land of opportunity and adventure. The period, too, was one of rapid rise in the cost of living; and the heads of some good families found themselves unable to keep pace with old associates. Some of these preferred leadership in the New World to taking in sail at home.

None of these "gentlemen" were used to steady work, and they were restive under discipline; so sometimes they drew down abuse from strict commanders like the worthy Captain John Smith. But they were of that "restless, pushing material of which the world's best pathfinders have ever been made," and, when they had learned the needs of frontier life, their pluck and endurance made them splendid colonists.

It must be remembered also that among the settlers there were always a few rare men animated wholly by patriotic devotion or by religious zeal or by a lofty spirit of adventure. Even the first Jamestown expedition (not a fair sample, either) included, among its 104 souls, Bartholomew Gosnold, a knightly survivor of the spacious Elizabethan days; and doughty John Smith, a robust hero, "even though his imagination did sometimes transcend the narrow limits of fact"; and the gentle and lovable churchman, Robert Hunt—to say nothing of worthies such as Percy and Newport. The modern community which, for each twenty souls, can show one built on a mold like these is not unhappy. The next three years, too, saw in Virginia many another gallant gentleman, like Thomas Gates, John Rolfe, and Francis West.

Still, it may be confessed without shame that the motives of early settlers of all classes were tinged by fantastic dreams of wealth, such as are ridiculed in Marston's *Eastward Hoc* (1605; the name a survival of the idea that Columbus had found the East). At a tavern meeting. the mate. Sea Gull is

enticing some young blades to embark for a proposed Virginia voyage:

*Sea Gull.* Come boyes, Virginia longs till we share the rest of her . . .

*Scape Thrift.* But is there such treasure there, Captaine . . . ?

*Sea Gull.* I tell thee, golde is more plentiful there then copper is with us; and for as much redde copper as I can bring, Ile have thrise the waight in gold. Why, man all their dripping pans . . . are pure gould; and all the chaines with which they chaine up their streets are massie gold; all the prisoners they take are fettered in gold; and for rubies and diamonds they goe forth on holydayes and gather 'em by the seashore to hang on their children's coates, and sticke in their children's caps, as commonly as our children wear saffron-gilt brooches. . . . Besides, there wee shall have no more law than conscience, and not too much of eyther.

This, to be sure, was gross caricature, and it called forth violent denunciation from good clergymen, like Crashaw, who retorted from the pulpit that Virginia had three enemies—"the Divell, the Papists, and the Players."<sup>3</sup> But it remains true that in the first colonies the expectations of sudden riches were more extravagant than in later attempts, leading for a time to disastrous neglect of the right sort of work. Still the motive calls for no sneer. It was the same desire to better one's condition, which, in a later century, lured the descendants of the first settlers to people the continent from the Appalachians to the Golden Gate. Moreover, the motive was not mere greed. The youth was moved by a vision of romance and adventure. He was drawn partly by the glitter of gold, but quite as much by the mystery of new lands bosomed in the beauty of unknown seas. Best of all, these motives of gain and of noble adventure were infused with a high patriotism. Englishmen knew that in building their own fortunes on that distant frontier, just as truly as when they had trod the deck of Drake's ship, they were widening the power

<sup>3</sup> A passage in Crashaw's "Daily Prayer for Virginia" ran,—“Let Papists and Players and such other scum and dregs of the earth,—let them mocke such as helpe to build the walls of Jerusalem!”

of the little home island, which they believed to be the world's best hope. Marston's extravagant sarcasm was nobly answered by Michael Drayton's *Ode* addressed to the 104 adventurers just setting sail, to found Jamestown the next spring:

And cheerefully at sea,  
 Successe you still intice,  
 To get the pearle and gold,  
 And ours to hold,  
 Virginia,  
 Earth's only Paradise.

\* \* \*

And in regions farre,  
 Such heroes bring yee forth  
 As those from whom yee came;  
 And plant our name  
 Under that starre  
 Not knowne unto our north!

### VIRGINIA A PROPRIETARY COLONY, 1607-1624

Four points in the Charter of 1606 demand notice: grantees, territory, rights of settlers, and plan of government.

The company of stockholders was divided into two sub-companies. One of these was made up mainly of Londoners, and was known as the London Company. The other, made up of gentlemen from the west of England, was called the Plymouth Company. These proprietary companies were to remain in England.

Until 1620, the name Virginia applied to all the region claimed by England on the Atlantic coast, between the Spaniards on the south and the French on the north. This tract then reached from Cape Fear to north of the Penobscot, and was about 800 miles long. Within it each company was to have a district 100 miles along the coast and 100 miles inland. The London Company's tract was to be located somewhere in southern Virginia (the exact position to be determined by the

first settlement), and the Plymouth Company's, somewhere in the north.

The charter promised to settlers "the liberties, franchises, and immunities" of Englishmen. This much misunderstood clause (found in all English colonial charters) did not mean the right to vote: not all Englishmen had that privilege at home. It meant such rights as jury trial, habeas corpus privileges, and free speech—so far as those rights were then understood in England.

The plan of government was clumsy. In England there was to be a Council for the double company, with general oversight. In each colony there was to be a lower Council appointed by that higher Council. These local Councils were to govern the settlers according to laws to be drawn up by the king. Thus the government was partly royal and partly proprietary, without a clear division between the authorities in England; while in the colonies there was no single governor, but only unwieldy committees. The "Instructions" drawn up by James before the first expedition sailed kept loyally to the spirit of the charter. They provided that death or mutilation could be inflicted upon no offender until after conviction by a jury, and for only a small number of crimes (considering the standards of that day), though the appointed Council were to punish minor offenses, such as idling and drunkenness, at their discretion, by whipping or imprisonment (authority much like that possessed then by the appointed justices of an English county).

Under this crude grant was founded the first permanent English colony. In 1607 the Plymouth Company made a fruitless attempt at settlement on the coast of Maine (page 13), and then remained inactive for twelve years. But in December of 1606, the London Company sent out, in three small vessels, a more successful expedition to "southern Virginia." The 104 colonists reached the Chesapeake in the

spring of 1607, and planted Jamestown on the banks of a pleasant river flowing into the south side of the Bay. They chose this site some thirty miles up the stream to avoid Spanish attack from the sea. For some years this was the only regular settlement.

Early Jamestown was a great "plantation" of an absentee landlord. The company of stockholders in England were proprietors. They directed the enterprise, selected settlers, appointed officers, furnished transportation and supplies and capital—much like a lumber company in New York or Minneapolis that sends its woodsmen into our northern woods. The colonists were employees and servants. They did the work—cleared forests, built rude forts and towns, and raised crops—facing disease, famine, and savage warfare. The managing Council at Jamestown were not so much political rulers as industrial overseers. Their task was a kind of housekeeping on a large scale.

The products of the settlers' labor went into a common stock. Lumber, sassafras, dyestuffs were shipped to the company to help meet expenses. Grain was kept in colonial storehouses, to be guarded and distributed by a public official. Here, too, were kept the supplies from England—medicines, clothing, furniture, tools, arms and ammunition, seeds, stock of all kinds for breeding, and such articles of food as meal, bread, butter, cheese, salt, meat, and preserved fruits. For many years, the existence of the colony depended on the prompt arrival, every few months, of a "supply"; and the colonists measured time by dating from "the First Supply," or "the Third Supply."

The system of "industry in common" has frequently been called an experiment in communism. In reality it was no more communism than was a Virginia slave plantation in 1850. The London Company would have been the last men to approve any theory of communism. The common indus-

try and undivided profits were simply clumsy features of management by a distant proprietary company.

The opening days of the colony promised an endless summer idyl to the inexperienced adventurers, weary of the sea and of cramped months of wormy food and slimy water. "That very Honorable Gentleman, Master George Percy," as John Smith afterward called him, has left us a record of his first impressions:

The six and twentieth day of Aprill about foure a clocke in the morning, wee descried the Land of Virginia: the same day wee enterd into the Bay of Chesupioc without any let or hinderance; there wee landed and discovered a little way, but we could find nothing worth the speaking of but faire meddowes and goodly tall Trees, with such Fresh-waters runninge through the woods as I was almost ravished at the first sight thereof. . . .

The (28th) day . . . we went further into the Bay, and saw a plaine plot of ground where we went on Land . . . we saw nothing there but a Cannow, which was made out of the whole tree, which was five and fortie foot long, by the Rule. Upon this plot of ground we got good store of Mussels and Oysters, which lay upon the ground as thicke as stones: wee opened some and found in many of them Pearles(!) . . . We passed through excellent ground full of Flowers of divers kinds and colours, and as goodly trees as I have seene, as cedar, cipresse, and other kindes. Going a little farther, we came into a little plot full of fine and beautifull strawberries, foure times bigger and better than ours in England.

But the early years turned out a time of cruel suffering. The site of Jamestown was low, and the "faire meddowes" proved fever-breeding swamps; the committee government was not suited to vigorous action; and only the stern school of experience could teach men in that day how to colonize an unknown continent. The first summer saw two-thirds of the settlers perish, while much of the time the rest were helpless with fever. The First Supply, in the fall of 1607, found only thirty-eight survivors, and for twenty years each new

immigration lost, on an average, half its members the first season.

From one peril the colony was saved by its very misery. Spain watched jealously this intrusion into a region which she claimed as her own, and the government contemplated an attack upon Jamestown. In particular, the Spanish ambassador at London urged his king repeatedly to have "those insolent people in Virginia annihilated." "It will be serving God," he wrote, "to drive these villains out and hang them." But the Spanish spies in the colony reported that it must fall of itself; and the dilatory Spanish government, already slipping into decay and unwilling needlessly to make King James an enemy, failed to act.

The most interesting figure during the first three years was the burly, bustling, bragging, efficient Captain John Smith. Smith finally became president of the ineffective Council. Then he quickly usurped all the power of government, and his beneficent tyranny saved the colony from ruin. In 1609, however, he was injured by an explosion of gunpowder, and went back to England.

The next winter was "The Starving Time." A special effort had been made, the summer before, to reinforce the colony; and in the fall the number of settlers had risen to more than three hundred. Spring found only sixty gaunt survivors. These had embarked to abandon the colony, with slight chance of life whether they went or stayed, when they met Lord Delaware, the new governor, with a fleet bringing reinforcements and supplies. Had Delaware been later by three days, Jamestown would have been another failure, to count with Raleigh's at Roanoke.



Meantime, the year 1609 had seen a remarkable outburst of enthusiasm in England in behalf of the sinking colony.

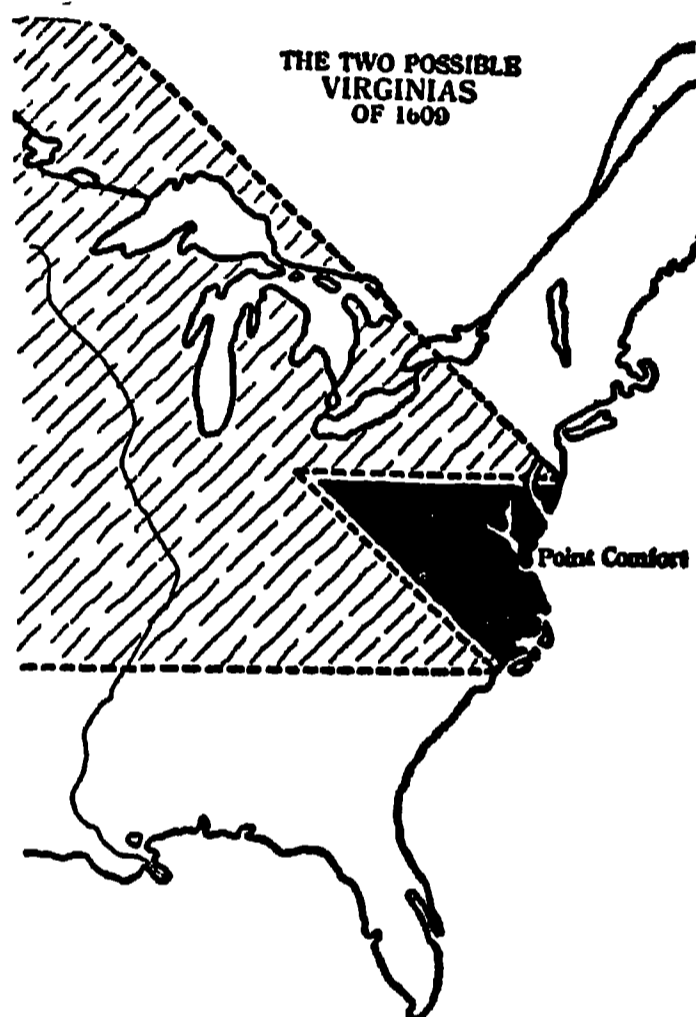
Sermons and pamphlets appealed to the patriotism of the nation not to let this new England perish. The list of the company's stockholders was greatly multiplied, coming to include the most famous names in England along with good men from all classes of society;<sup>4</sup> and this enlarged London Company received enlarged powers through two new charters in 1609 and 1612.

Three things were accomplished by these new grants:

1. The territory of the company was extended. It was made to reach along the coast each way 200 miles from Point Comfort, and "up into the land throughout from sea to sea, west and northwest."

2. The authority before kept by the king was now turned over to the company; and that body received a democratic organization. It was to elect its own "Treasurer" and Council (president and directors, in modern phrase), and to rule the colony in all respects.

3. A more efficient government was provided in the colony. There was no hint yet of self-government. The company in England made all laws and appointed all officers for the colony. But the inefficient plural head in the colony, with its divisions and jealousies, was replaced by one "principal governor" with a Council to assist him.



The interpretation adopted by Virginia became the basis for her later claim to the Old Northwest—an important factor in American history. The clumsy "west and northwest" phrase in the charter was due to a vague impression that the Pacific lay just beyond the Appalachians—an impression derived no doubt from Indian reports of waters to the northwest that we know as the Great Lakes.

<sup>4</sup> Cf. page 25. Each of the 650 subscribers bought from one to ten shares of stock, at £12 10s. a share, or about \$125.00 a share in our values.

Virginia had left anarchy behind, but she had not reached liberty. The company continued the "plantation" plan; and from 1611 to 1616, its chief officer in Virginia was Sir Thomas Dale. This stern soldier put in force a military government, with a savage set of laws known as Dale's Code. Among other provisions, these laws compelled attendance at divine worship daily, under penalty of six months in the galleys, and on Sundays on pain of death for repeated absence. Death was the penalty also for "speaking evil of any known article of the Christian faith," for refusing to answer the catechism of a clergyman, and for neglecting work. The military courts, too, made use of ingeniously atrocious punishments, such as burning at the stake or breaking on the wheel. One offender, caught stealing food from the public storehouse, was left bound to a tree to starve, with a bodkin thrust through the tongue.

These years of tyranny were long remembered as "the time of slavery," with a government "very bloody and severe . . . in no wise agreeable to a free people or to the British constitution." Dale, however, was conscientious and efficient, and full of enthusiasm for Virginia. "Take the best four kingdoms of Europe," he wrote home, "and put them all together, and they may no way compare with this country for commodity and goodness of soil." Moreover, he kept order and protected the colony from the Indians, and in 1614 he made 81 three-acre allotments of land to private holders—a small garden to each free settler. At his departure, in 1616, the colonists numbered 351. Of these, 65 were women or children, and some 200 were "servants."

A revolution now took place in the London Company. That body had split into factions. The part so far in control was conservative and belonged to the "court party" in English politics, but, toward the close of 1618, control passed to a liberal and Puritan faction, led by the Earl of Southampton

and Sir Edwin Sandys. Since these patriots were struggling gallantly in parliament against King James' arbitrary rule, it was not unnatural that they should at once grant a large measure of self-government to the Englishmen across the Atlantic, over whom they themselves ruled. Sir George Yeardley was sent out as governor, and a new era began in Virginia.

With Yeardley's arrival, in April, 1619, the number of colonists was raised to about a thousand. They were still, mainly, indentured servants and were distributed among eleven petty "plantations"—mere patches on the wilderness—scattered along a narrow ribbon of territory nowhere more than six miles wide, curving up the James for a hundred miles. Industry was still in common, except for the slight beginning of private tillage under Dale, and martial law was still the prevailing government.

According to his instructions Yeardley at once introduced three great reforms.

1. He established private ownership, giving liberal grants of land to all free immigrants. A large part of the settlers continued for some time to be "servants" of the company, and these were employed as before on the company's land. But each of the old free planters now received 100 acres; each servant was given the same amount when his term of service expired; and each new planter thereafter was to receive 50 acres for himself and as much more for each member of his family above the age of fifteen and for each servant he brought with him. Grants of many hundred acres were made, too, to men who rendered valuable service to the colony. For many years, all grants were in strips fronting on rivers up which ships could ascend.

2. Martial law was set aside. Yeardley proclaimed, said a body of settlers later, "that those cruell lawes by which we had soe longe been governed were abrogated, and that we were now to be governed by those free lawes which his

Majesties subjects live under in Englande.” This was merely to keep the pledge of the charters.

3. The settlers received a share in the government. A Representative Assembly was summoned, “freely to be elected by the inhabitants, . . . to make and ordaine whatsoever lawes and orders should by them be thought good and profitable.” This political privilege was a new thing.

The First Representative Assembly in America met at Jamestown, August 9 (New Style), 1619. It was not purely representative. Each of the eleven plantations sent two delegates; but in the same “House” with these elected “Burgesses” sat the governor and his Council (seven or eight in number), appointed from England. We have no account of the elections. No doubt they were extremely informal. Of the thousand people in the colony, seven hundred must have been “servants” without a vote; and, of the three hundred free persons, a fraction were women and children. Probably there were not more than two hundred voters. These were distributed among eleven plantations, in some of which the only voters must have been the foreman and employees of a rich proprietor.

The Assembly opened with prayer, and slipped with amazing ease into the forms of an English parliament. It “verified credentials” of the delegates, and it gave all bills “three readings.” Laws which today would be stigmatized as “Blue Laws” were passed against drunkenness, gambling, idleness, absence from church, “excess in apparel,” and other misdemeanors. For that age, the penalties were light. The Church of England was made the established church, and aid was asked from the company toward setting up a college. With all this business, the Assembly sat only six days.

This beginning of representative government in the wilderness has a striking significance. Virginia had been transformed from a “plantation colony,” ruled by a despotic overseer, into a self-governing political community. The pioneers mani-

fested an instinct and fitness for representative government, a zest for it, and a deep sense of its value. It came as a gift; but, once given, it could not be withdrawn.<sup>5</sup> Jury trial and representative government were both established upon a lasting foundation in America in 1619, while Virginia was the only English colony. These two bulwarks of freedom were not then known in any large country except in England; and they were not to take root in the colonies of any other country for more than two hundred years. *Their establishment in Virginia made them inevitable in all other English colonies.*

A charter to the settlers established still more firmly the grant of self-government. Yeardley put before the Assembly a long document from the company. The Assembly called it a "Great Charter," and examined it carefully, "because (it) is to binde us and our heyers forever." This "Charter of 1618" has been lost, but the Assembly's records show that it guaranteed a representative Assembly. It was wholly different from royal grants to proprietors in England: it was the first of many charters and "concessions" issued by the proprietors of various colonies to settlers in America, in order to set up ideals of government or to attract settlers. From this time it became customary for colonial proprietors, when circulating handbills in England advertising the features of their American possessions, to lay stress upon a guarantee of political privileges.

The new management of the company bestirred itself to build up the colony on the material side also. To supply the

<sup>5</sup> Many American writers speak as though the colonists had created the Assembly. Thomas Hutchinson (*History of Massachusetts Bay*, 94, note) said that in 1619 representative government "broke out" in Virginia; and Story, in his great *Commentaries on the Constitution* (I, § 166), said that the Assembly was "forced upon the proprietors" by the colonists. Influenced by such earlier authorities, John Fiske (*Old Virginia*, I, 186) explains the Assembly on the ground that "the people called for self-government." This view is contrary to all evidence. For the ardor, however, with which the settlers *maintained* the privilege, in contrast to French indifference, see pages 40-44.

labor so much needed, Sandys (the "Treasurer," or president) sought throughout England for skilled artisans and husbandmen, and shipped to Virginia many hundred "servants." Several cargoes of young women, too, were induced to go out for wives to the settlers, and supplies of all kinds were poured into the colony with a lavish hand. This generous paternalism, however, was often unwise. Effort and money were wasted in trying to produce glass, silk, and wine—so that England might no longer have to buy such commodities from foreigners—while the main industry that was to prove successful, tobacco raising, had to win its way against the company's frowns. Tobacco for export was first grown in 1614 by John Rolfe, who had married the Indian girl Pocahontas, but for some time, smoking was looked upon somewhat as drunkenness is now. King James himself published a tract to check the practice, inquiring passionately, "Now, good Countreymen, what honour or policy can moove us to imitate the barbarous and beastly manners of wilde and godlesse Indians, especially in so vile and stinkinge a custom!"

Moreover, pestilence and hardship continued to kill off a frightful proportion of the people. In the first three years after Yeardley's arrival, more than three thousand new settlers landed; but in March, 1622, of the population old and new, only some twelve hundred survived, and that spring an Indian massacre swept away a third of that little band.

In spite of all this, Virginia became prosperous under the company's rule. Two years after the massacre, the population had risen again to twelve hundred, and the number of settlements had become nineteen. The Indians had been crushed. Fortunes were being made in tobacco, which now found steady sale in Europe at high prices, and the homes of the colonists were taking on an air of comfort. The period of experiment was past, and the era of rapid growth had been reached. The chance to become a freeholder appealed to many English

farmers who, in their old homes, could never rise out of the class of renters or leaseholders; and the offer of huge grants to the man with capital enough to bring a body of servants with him drew over some men of considerable estate. During the following ten years (1624-1634) the population grew four-fold, to more than five thousand people, organized in eight counties.

Meanwhile King James became bitterly hostile to the liberal management of the company. Sandys was particularly obnoxious. He was prominent in parliament in opposing the king's arbitrary policy and was reported to be "the king's greatest enemye." More than once he had been committed to custody by royal order. An envious business associate testified that "there was not any man in the world that carried a more malicious heart to the government of a Monarchie than Sir Edwin Sandys did," and that Sandys had said repeatedly that he "aymed . . . to make a free popular state there [in Virginia] in which the people should have noe government putt upon them but by their owne consents."

When Sandys' term expired, in 1620, King James sent to the "General Court" of the company the names of four men from whom he ordered them to elect a new Treasurer. The company (some hundreds of the best gentlemen of England present) remonstrated firmly against this interference with the freedom of election guaranteed by their charter. So James yielded, exclaiming petulantly, "Choose the Devil, an ye will; only not Sir Edwin Sandys!" Sandys then withdrew his name, and the company sent a committee to his friend, the Earl of Southampton—Shakespeare's old friend and patron and now the liberal leader in the House of Lords—to inquire whether he would accept the office. Southampton was little more to the royal taste. "I know the king will be angry," said he to his friends, "but, so this pious and . . . glorious work be en-

couraged, let the Company do with me as they think good." Then, "*surceasing the ballot*," the meeting elected him "with much joy and applause, by erection of hands." Sandys was chosen Deputy Treasurer and remained the real manager.

When Southampton's second term expired (1622), James again sent to the Court of Election five names. It would be pleasing to him, he said, if the company should choose a new Treasurer from the list, but this time he carefully disclaimed any wish to infringe their "liberty of free election." The company reëlected Southampton by 117 ballots, to a total of 20 for the king's nominees. Then they sent a committee to thank James "with great reverence" for his "gracious remembrance" and for his "regard for their liberty of election!" It is reported that the king "flung away in a furious passion."<sup>6</sup> Small wonder that he listened to the sly slur of the Spanish ambassador, who called the London Company's General Court "the seminary for a seditious parliament."

Since James could not secure control of the company, he decided to overthrow it. A revival of the old factions within it, and the Indian massacre of 1622 in Virginia, furnished a pretext. James sent commissioners to the colony to gather further information unfavorable to the company's rule; but the Virginians supported the company ardently and made petition after petition to the king in its favor. The company made a strong defense, and the charter could be revoked only by a legal judgment. Royal interference with the courts was a new thing in England and was never to recur after Stuart times. But Sir Edward Coke, the great chief justice, had just been dismissed from office by James for refusing to consult the king's will in judicial decisions, and for a time the English courts were basely subservient to the monarch. Accordingly, in 1624, in a flimsy case against the London Company,

<sup>6</sup>These spicy anecdotes come from the private papers of the Ferrar brothers, who were high officials of the company. The official records are quite as plain, though somewhat less blunt.

the king's lawyers secured judgment that the charter was void.

### VIRGINIA AS A ROYAL PROVINCE

Virginia had become a royal province. To the colonists this meant three things: —

1. Land titles from the company to settlers held good. But all the territory still owned by the company at its fall became crown land again. Thereafter, royal governors made grants from it to settlers much as the company had done—subject only to nominal quitrents of perhaps a shilling or two per hundred acres. Virginia afterward frequently claimed its "ancient bounds" as described in the charter of 1609. That grant, however, had been made to the company in England, and not to the colony. The king was undoubtedly within his rights when he soon gave part of the old grant to Lord Baltimore for the colony of Maryland. Still, Virginia's claim played an important part in our history until after the Revolution.

2. The colony now had to support itself. In fifteen years the London Company had spent ten million dollars upon it (in our values) without return to the stockholders, and most Virginians believed that without such fostering the enterprise would sink. In the next four years the settlers sent four petitions to the king for aid. One of them runs, in part: "The ground work of all is that there must bee a sufficient publique stock to goe through with soe greate a worke; which we can not compute to bee lesse than £20,000 a yeare. . . . For by it must be maintayned the Governor and his Counsell and other officers heere, the forest wonne and stocked with cattle, fortifications raysed, an army maintayned, discoveries mayde by sea and land, and all other things requisite in soe mainefold a business." But the king was quarreling with parliament about money enough to run the government at home, and he

paid no attention to such prayers. This was fortunate. The colony found that it could walk alone.

3. Political control over the colonists was now in the king's hands. And, as the colonists feared that the king would help too little, so, with more reason, they feared that he would govern too much. Even in Old England, with all its centuries of traditions for representative government, and despite dogged and heroic opposition from parliament after parliament, this new Stuart monarch seemed almost to have made into fact his French "Divine-Right" theories of kingship. How, then, could this little handful of Englishmen in a strange land, dependent in many ways (as they thought) on the king's favor, hope to maintain their political liberty, now that they had lost the protection of their charter! (The overthrow of the royal charters to the London Company made of no effect the company's Charter of 1618 to the Virginians.)

Even so, the Virginians were determined to save their Representative Assembly. As soon as it became plain that the company was to be overthrown, in the spring of 1624, a body of leading settlers sent to the king an address in which they "humbly entreat . . . that the Governors [to be appointed by the king] may not have absolute authority, . . . [and] above all . . . that we may retayne the Libertie of our General Assemblie, than which nothing can more conduce to our satisfaction or the public utilitie." At the same time the Assembly itself solemnly put on record its claim to control taxation, in a memorable enactment: "That the Governor shall lay no taxes or ympositions upon the colony, its lands or goods, other way than by the authority of the General Assembly, to be levied and ymployed as the said Assembly shall appoynt"—the first assertion on this continent of the ancient English principle, "No taxation without representation."

That same summer, however, King James began his control by reappointing the old governor and Council in Virginia

and giving them full authority to rule the colony. The instructions to these officers made no mention of an Assembly. Indeed, James planned a permanently despotic government, but he died in a few months, before he had completed his draft of a "new constitution" for Virginia. The next year the new king, Charles I, appointed a new governor in Virginia with instructions like those used the year before by his father, and still with no reference to an Assembly—and no Assembly met for five years (1624-1628).

Still the colonists kept asking for one; and in 1625 they sent Yeardley to England to present their desires. Yeardley told the royal council that only the grant of an Assembly could allay the universal distrust in Virginia, where "the people, . . . justly fearing to fall into former miseries, resolve rather to seek the farthest parts of the World." Neither this threat nor other petitions met with any direct answer. In 1628, Charles did order the governor to call an Assembly, though only because he hoped, vainly, to persuade it to grant him a monopoly of the profitable tobacco trade. Then Charles appointed Sir John Harvey governor. Harvey was known as "a king's man," but he had been one of the royal commissioners to Virginia in 1623, and apparently he had learned there that it would not be wise to try to rule the colony without an Assembly. His commission from Charles made no mention of one, but before leaving England, he drew up for the king's consideration a list of seven "Propositions touching Virginia," and one of these asked for a representative Assembly as part of the government. Charles was just entering upon his tyrannical eleven-year period of "No Parliament" (page 67), but, in his answer to Harvey, he approved an Assembly for Virginia. With this sanction, the Assembly continued regularly; and formal directions to call Assemblies became a part of each future governor's instructions.

The change from a proprietary colony to a royal colony, then, did not make political liberty less. The Stuart kings

were so involved in quarrels at home that they had little time to give to a distant colony; and Virginia was left to develop with less interference than it would have had from the most liberal proprietary company. The London Company had planted constitutional liberty in America; the settlers clung to it devotedly; and the careless royal government found it easier to use the institution than to uproot it. Virginia had won a victory for all future America.

The Virginians did not relax their vigilance. They had dreaded Harvey's coming, and soon after his arrival, the Assembly of 1632 reënacted, word for word, the great law of 1624 regarding representation and taxation. Harvey clashed continually with the settlers, and finally tried to arrest some of his Council for "treason." Instead, the Council and Assembly "thrust him out of his government," sent him prisoner to England, and chose a new governor in his place. This was "the mutiny of 1635."

Two years later the king reinstated Harvey for a time, but in 1641, Sir William Berkeley was sent over as governor. He had been an ardent royalist in England; so his first Assembly, as a precaution against arbitrary rule, enacted verbatim, for the third time, the law of 1624 regarding taxation. Berkeley ruled, however, with much moderation, keeping in touch with the Assembly and showing no promise of the tyranny which was to mark his second governorship after the Restoration.

In 1649, after the English Civil War, the home country for a time became a republican "Commonwealth." Parliament sent Commissioners to America to secure the obedience of the colonies. Berkeley wished to resist these officers, but the Assembly quietly set him aside and made terms. With the approval of the Commissioners, the government was reorganized so as to put more power into the hands of the Burgesses, because parliament could trust them better than it could the more aristocratic elements. Each year a House of Bur-

gesses was to be chosen as formerly, but this body was now to elect the governor and Council.

During the next nine years (1652-1660), Virginia was almost an independent and democratic state. On one occasion (1657), a dispute arose between the Burgesses and the governor. Governor Matthews and the Council then declared the Assembly dissolved (as a royal governor would have done). The Burgesses held that the governor, having been made by them, could not unmake them, and that "we are not dissoluable by any power yet extant in Virginia but our owne." Matthews threatened to refer the matter to England. The Burgesses then deposed him, and proceeded to reëlect him upon condition that he acknowledge their supreme authority.

In March, 1660, Governor Matthews died. Charles II had just returned to the throne in England. The Assembly wished to conciliate Charles, and so it chose Berkeley governor again. But it also made an attempt to save Commonwealth liberties by enacting that Berkeley "governe according to the ancient laws of England and the established lawes of this country, and . . . that once in two years at least he call a Grand Assembly, and that he do not dissolve this Assembly without the consente of the major part of the House." The failure of this attempt to restrict the new governor belongs to a later chapter.

## MARYLAND: A PROPRIETARY PROVINCE

*Among the people of Lord Baltimore's colony, as among English-speaking people in general, one might observe a fierce spirit of political liberty coupled with an ingrained respect for law.—FISKE, "Old Virginia."*

From 1607 to 1620, Virginia was the only English colony on the continent. Then came the beginnings of New England; but, for some time more, New England and the southern district were separated by vast stretches of wilderness. Vir-

ginia's only neighbor in the first half-century was Maryland—which accordingly is conveniently treated at this point, even though in point of time her story starts a few years later than New England's.

For Maryland, the plan of colonization was much like that of Raleigh's day. George Calvert, a high-minded gentleman, had been interested for many years in the expansion of England. He was a member of the London Company and of the New England Council (page 51); and finally he took upon his own shoulders a separate attempt to build a colony. In 1623 he secured a charter from King James for a vast tract in Newfoundland, with authority to rule settlers there; and to this "Province of Avalon," with its "Bay of Flowers" and "Harbor of Heartsease" he sent several bodies of colonists. Just after receiving the grant, Calvert became a member of the sternly persecuted Catholic Church. His earlier life had been spent mainly in the public service but now he could no longer hold office. So, having been rewarded for past services by a peerage (as Baron of Baltimore), he removed for some years to his colony—only to learn by bitter experience that he had been misled cruelly as to its climate and wealth.

Broken in health and fortune, Baltimore finally abandoned that harsh location and petitioned King Charles for a more southerly province. Before the new grant was made out, he died; but in 1632 the Charter for Maryland was issued to his son. Two years later, that second Lord Baltimore sent out the first settlement of two hundred souls.

The proprietor and the charter planned a semi-feudal dominion. Any English gentleman who would remove to the colony was granted a thousand acres for every five men he would bring thither—each such estate to form a "manor" on the English plan of that day. But freehold grants of one hundred acres each were also offered to any man who would pay his own expenses to the colony, with added allowances

of land, as in Virginia, for his family and servants. Thus, from the first, Maryland society was aristocratic; and the colony consisted (1) of manors owned and ruled by great landlords and tilled by their tenants and indentured servants and slaves; and (2) of the small holdings of free farmers. (All land grants paid to the Baltimores small quitrents, and, as the colony grew, these came to be a huge proprietary income.)

But the charter also sanctioned and presupposed representative self-government for the settlers. It put the head of the Baltimore family in the position of a king over the settlers, but only of a *constitutional* king. In particular, his great authority was limited by one supreme provision (not found in any earlier *royal* charter): in raising taxes and making laws, the proprietor could act only with the advice and consent of an Assembly of the freemen (landowners) or of their representatives. This recognition of political rights for the settlers, in a royal charter, is an onward step in the history of liberty. The creation of the Virginia Assembly, and the devotion of the Virginians to it, had borne fruit. Between 1620 and 1630, it had become a settled conviction for all Englishmen, at last even for the court circle, that colonization in America was possible only upon the basis of a large measure of self-government.

And the Assembly soon won more power than king or proprietor had meant it to have. The proprietors did not live in the colony. They ruled it through governors, whom they appointed and dismissed at will and to whom they delegated such parts of their own authority as they chose. The governor was assisted by a small council, also appointed by the proprietor. This proprietary machinery was intended to be the controlling part of the government, but within the first twenty years the real center of authority shifted to the Assembly.

The instructions to the first governor directed him to call

an Assembly, but authorized him also to adjourn and dissolve it at will and to veto any of its acts. Baltimore himself reserved a further veto. Moreover, the proprietor intended to keep for himself the sole right to initiate legislation. He meant to draw up all laws in full, and to submit them to the Assembly—which might then approve them or reject them, but might not amend them. The charter, he pointed out, declared that he was to make laws “with the advice and consent” of the freemen. This phrase was the same that English kings had used for centuries to express the division of power between themselves and parliament, and meantime parliament had grown in influence until it had gained much initiative and was well on the way to become the real law-making power. Accordingly, the people of Maryland insisted upon taking the words in the sense which history had given them—and even with some prophetic sense—rather than in their literal meaning.

The first Assembly (1635) passed a code of laws. Baltimore vetoed them all, on the ground that the Assembly had exceeded its authority. To the next Assembly (1638) Baltimore sent a carefully drawn body of laws. After full debate, these were rejected by unanimous vote of all the representatives. Then the Assembly passed a number of bills, several of them based upon those that had been presented by Baltimore, but all these fell before the proprietor's veto. In the following year, however, Baltimore wisely gave way, and soon ceased all attempts to introduce bills.

The next step was for the Assembly to divide into two Houses. At first the Council sat as part of the Assembly in one body with the freemen or their delegates. Moreover, the governor summoned other gentlemen, as many as he pleased, by personal writs, independent of election. These appointed members sympathized naturally with the proprietor and the governor, while the delegates sometimes stood for the interests of the settlers. As early as 1642, the differences between

the two elements, appointed and elected, led the representatives to propose a division into two "Houses." The attempt failed because of the governor's veto; but the arrangement did become law in 1650, six years after like success had been achieved in Massachusetts (pages 87-88).

The Assembly of 1642 attempted also to secure stated meetings, independent of a governor's call, and to do away with the governor's right to dissolve them. In form, these radical attempts failed; but in reality the Assembly soon learned to control its own sittings, except in extreme crises, through its power over taxation. It granted supplies only for a year at a time (so that it had to be called each year), and it deferred this vote of supplies until it was ready to adjourn. Not until a generation later was this step adopted by the English parliament in its struggle with the crown.

Maryland was also a religious experiment. After George Calvert's conversion to Catholicism, he had a new motive for wishing to form a colony. He and his son wished to establish a refuge for their persecuted co-religionists. The charter, therefore, omits the usual reference to the oath of supremacy—which good Catholics could not take—and probably there was an understanding between king and proprietor that Catholics would not be molested. But Maryland was never a Catholic colony in the sense that the Catholics could have made their religion the state religion, or that they could have excluded other sects. The most that the devout, high-minded Baltimore could do for his fellow-worshipers—possibly all that he wished to do—was to secure toleration for them by compelling them to tolerate others. From the first there were many Protestants in the colony, possibly a majority. Baltimore's instructions to the governor of the first expedition enjoined him to permit "no scandal or offense" to be given to any of the Protestants.

When the Puritan Commonwealth was established in Eng-

land, the Puritans in Maryland tried to win control in that province. Lord Baltimore then persuaded the Assembly to enact the Toleration Act of 1649. This great law, it is true, threatened death to all non-Christians (including Jews and any Unitarians of that day); but it provided that "no person . . . professing to believe in Jesus Christ, shall be in any wise molested or discountenanced for his or her religion."

At a later time, however, the Catholics were persecuted cruelly in this colony that they had founded. After the English Revolution of 1688, the Catholic Baltimore family was deprived of all political power; and, for a generation, Maryland became a royal province. In 1715, the Lord Baltimore of the day, having declared himself a convert to Protestantism, recovered his authority. But meantime the Episcopal Church had been established in Maryland, and ferocious statutes, like those then in force in England, had been enacted against Catholics, to blacken the law books through the rest of the colonial period.

## CHAPTER III

### NEW ENGLAND AND THE PILGRIMS

*After all that can be said for material and intellectual advantages, it remains true that moral causes determine the greatness of nations; and no nation ever started on its career with a larger proportion of strong characters or a higher level of moral earnestness than the English colonies in America.—LECKY, "England in the Eighteenth Century," II, 2.*

*Next to the fugitives whom Moses led out of Egypt, the little shipload of outcasts who landed at Plymouth . . . are destined to influence the future of mankind.—JAMES RUSSELL LOWELL.*

IN 1620, roused by the success of the London Company at Jamestown, some members of the Plymouth branch of the old Virginia Company reorganized as "The Council resident in Plymouth . . . for the planting of New England," and a royal charter gave this body powers similar to those of the London Company, with a grant of all North America between the 40th parallel and the 48th.

This "New England Council," or "Plymouth Council," sent out no colonists. Instead, it sold or granted tracts of land, with various privileges, to adventurers who undertook to found settlements. One such charter it sold to agents representing the struggling Pilgrim colony, which, by accident, had been founded within the New England Council's territory (page 57). Some small trading stations, also, were established under such grants, and in 1623 there came a more ambitious attempt. Robert Gorges, son of the most active member of the Plymouth Council, was granted lands near Boston harbor, with a charter empowering him to rule settlers "according to such lawes as shall be hereafter established by public authoritie of the state assembled in Parliament in New England." The Council also commissioned him "*General Governor*" of all set-

tlements to be formed in its vast territory—which caused the feeble Pilgrim colony to dread his coming. He brought to Massachusetts Bay an excellent company, containing several “gentlemen,” two clergymen, and selected farmers and mechanics; but after one winter the colony broke up. The gentle Bradford, governor and historian of Plymouth, wrote with unusually grim humor that Gorges departed, “haveing scarce saluted the Cuntry of his Government, not finding the state of things hear to answer his qualitie.” (Several years later, having become involved in various disputes regarding overlapping grants that it had made, the New England Council surrendered its charter to the crown.)

By 1620, various explorers had visited New England coasts and brought back reports of excellent harbors and promising sites for plantations. They told, too, of magnificent forests reaching to the ocean’s edge—a matter of supreme moment to England, whose own woods were already become insufficient for the needs of English industry. (It must be remembered that in that day forests were all that woods, coal mines, and oil wells are now.) The explorers dwelt eloquently, too, upon the amazing wealth of fish and furs, and indeed, some ten thousand English fishermen were already visiting American coasts each season. So far, however, all these commercial motives had proved insufficient to establish a permanent settlement in bleak New England. Success in that enterprise waited upon a new force—just ready to take up the work of colonization.

That force was the religious zeal of Puritanism. Within the established Church of England the dominant party had strong “High-church” leanings. This element, too, was ardently supported by the royal “head of the church”—Elizabeth, James, Charles, in turn; but it was engaged in constant struggle with a large, aggressive Puritan element. Puritanism was much more than a religious sect. It was an ardent aspiration for reform in many lines. In politics, it stood for an advance

in popular rights; in conduct, for stricter and higher morality; in theology, for the stern doctrines of Calvinism, which appealed powerfully to the strongest souls of that age; in church matters, for an extension of the "reformation" that had cut off the English Church from Rome.

Two groups of English Puritans stood in sharp opposition to each other—the influential "Low-church" element within the church, and the despised Separatists outside of it. The Low-churchmen had no wish to separate church and state. They wished one national church—a Low-church church—to which everybody within England should conform. They desired also to make the church a more far-reaching moral power. To that end they aimed to introduce more preaching into the service and to simplify ceremonies—to do away with the surplice, with the ring in the marriage service, with the sign of the cross in baptism, and perhaps with the prayer-book. Most of them, up to this time, did not care to change radically the *government* of the English Church, but some among them spoke with scant respect of bishops. The Independents, or "Puritans of the Separation," went further. They believed that there should be no national church, but that religious societies should be wholly separate from the state. They wished each local religious organization a little democratic society, independent in government even of other churches.

### THE PILGRIMS IN THE OLD WORLD

To all other sects the Separatists seemed the most dangerous of radicals—mere anarchists in religion. They had been persecuted savagely by Queen Elizabeth, and some of their societies had fled to Holland. In 1608, early in the reign of James, one of their few remaining churches—a little congregation from the village of Scrooby—managed to escape to that same land, "wher they heard was freedome of Religion

for all men": "a countrie wher they must learn a new language and get their livings they knew not how . . . not acquainted with trades or traffique, by which that countrie doth subsist, but . . . used to a plaine countrie life and the inocente trade of husbandrey."<sup>1</sup>

They first settled in Amsterdam, but had no sooner begun to feel safe in some measure, through toil and industry, from "the grime and grisly face of povertie coming upon them like an armed man," than it seemed needful to move again, this time to Leyden; and "being now hear pitchet, they fell to such trades and imployments as they best could, valewing peace and their spirituall comforte above all other riches . . . injoyinge much sweete and delightfull societie . . . in the wayes of God" but subject to such "greate labor and hard fare" that "many that desired to be with them . . . and to enjoye the libertie of the gospell . . . chose the prisons in England rather than this libertie in Holland."

After some ten years in Holland, the Pilgrims decided to remove once more, to the wilds of North America. Bradford gives three motives for this: an easier livelihood, especially for their children; the removal of their children from what they considered the loose morals of easy-going Dutch society; and the preservation of their religious principles:

Old age beganne to steale on many of them (and their greate and continuall labours . . . hastened it before the time). And many of their children that were of the best dispositions and gracious inclinations, haveing learnde to bear the yoake in their youth, and willing to bear parte of their parents burdens, were often times so oppressed with heavie labours that . . . their bodies . . . became decreped in their early youth, the vigour of nature being consumed in the very budd, as it were.

But that which was . . . of all sorrows most heavie to be borne, —many of their children, by these occasions and the greate licentiousnes in that countrie, and the manifold temptations of the place,

<sup>1</sup> William Bradford, in his *History of Plymouth Plantation*. The quoted passages in the following paragraphs upon Plymouth are from this source when no other authority is mentioned.

were drawn away . . . into extravagante and dangerous courses, tending to dissolutenes and the danger of their souls.

Winslow (another Pilgrim historian) puts emphasis on a fourth reason—a patriotic desire to establish themselves under the English flag—one of their chief griefs in Holland being that their children intermarried with the Dutch and were drawn away from their English tongue and manners.

Of these four motives, the religious one was beyond doubt the weightiest. In Holland, there was no growth for their Society. It would die out, as the older members passed off the scene; and with it would die their principles. But, if they established themselves in a New World, “a greate hope and inward zeall they had of laying some good foundation for the propagating and advancing the gospell of the kingdome of Christ in those remote parts of the world; yea, *though they should be but even as stepping-stones unto others* for the performing of so greate a work.”

From the London Company the Pilgrims secured a grant of land and a charter; and, by entering into partnership with another group of London merchants, they secured the necessary money. For many months, says Bradford, this opening business was “delayed by many rubbs; for the Virginia Counsell was so disturbed with factions as no bussines could goe forward.” But when Sandys and the Puritan faction got control in that company (page 34), the matter was quickly arranged—the more quickly, perhaps, because Brewster, one of the Pilgrim leaders, had been a trusted steward of a manor belonging to the Sandys family.

The seventy “merchant adventurers” who furnished funds, subscribed stock in £10 shares. Captain John Smith says that by 1623 they had advanced more than \$200,000 in modern values. Each emigrant was counted as holding one share for “adventuring” himself. That is, the emigrant and the capital that brought him to America went into equal partnership.

Emigrants who furnished money or supplies were given more shares upon the same terms as the merchants. For seven years all wealth produced was to go into a common stock, but from that stock the colonists were to have "meate, drink, apparell, and all provissions." The partnership was then to be dissolved, each colonist and each merchant taking from the common property according to his shares of stock.

This arrangement was clumsy, because it involved a system of labor in common, but it was generous toward the settlers. Penniless immigrants to Virginia became "servants," as separate, helpless individuals, to work for seven years under overseers and at the end of the time to receive merely their freedom and some wild land. The penniless Pilgrims were "servants" for a time, in a sense, but only as one large body, and to a company of which they themselves were part; and their persons were controlled, and their labors directed, by officers chosen by themselves from their own number. The settlers, it is true, felt aggrieved that the merchants did not grant them also for themselves one third of their time, together with the houses they might build and the land they might improve. But it is clear now that under such an arrangement the merchants would have lost their whole venture.

### THE PILGRIMS IN AMERICA

Two heart-breaking years dragged along in these negotiations with the Virginia Company and the London merchants, and the season of 1620 was far wasted when (September 16) the *Mayflower* at last set sail. Most of the congregation stayed at Leyden to await the outcome of this first expedition, and only 102 of the more robust embarked for the venture. (Nearly half of these, too, were "strangers" from the neighborhood of London; but among these recruits were such worthy spirits as John Alden and Miles Standish.) The little band had meant to settle "in the northern parts of Virginia"—somewhere

south of the Hudson. But the little vessel was tossed by autumnal storms until the captain lost his reckoning, and they made land, after ten weeks, on the bleak shore of New England, already in the clutch of winter (November 21). The tempestuous season, and the dangerous shoals off Cape Cod, made it unwise to continue the voyage. For two weeks they explored the coast in small boats, and finally decided to make their home at a place which a map by Captain John Smith had already christened Plymouth; but it was not till the fourth day of January (New Style) that they "beganne to erecte the first house, for commone use, to receive them and their goods."

Meantime, they had adopted the *Mayflower Compact*. The charter from the Virginia Company had provided that they should be governed by officers of their own choosing. That grant, however, had no force outside Virginia, and "some of the strangers among them let fall mutinous speeches," threatening "to use their own libertie." To prevent such anarchy, the Pilgrims, before landing, drew up and signed a "Compact," believing "that shuch an acte by them done . . . might be as firme as any patent."

This famous agreement has sometimes been called, carelessly, a written constitution of an independent state. This it is not. It does not hint at independence, but expresses lavish allegiance to the English crown. And it is not a constitution though it does resemble a preamble to one: it does not determine what officers there should be, or how or when they should be chosen, or what powers they should have. The signers merely declare their intention (in the absence of established authority) to maintain order by upholding the will of the majority of their own company. Herein lies the peculiar distinction of this document. It is the first of a long series of similar agreements in America, in regions where settlement has for a time outrun government—first, on the coast of Maine

and New Hampshire, then in the woods of Kentucky and Tennessee, then on the prairies of Illinois and Iowa, and very recently in Western mining camps. Rare among other peoples, this characteristic and saving American genius for finding a basis for law and order in the supremacy of the *common* will dates from these humble English settlers at Plymouth.

The way in which the new government was put in action is told by Bradford in few words:

Then [as soon as the compact had been signed, while still in the Mayflower cabin] they choose, *or rather confirmed*, Mr. John Carver their Gouvernor for that year. [Carver had probably been made governor before, under authority of the charter; such action would now need to be "confirmed."] And after they had provided a place for their goods . . . and begunne some small cottages, as time would admitte, they mette and consulted of lawes and orders.



Expectations of quick-won wealth in America still dazzled men's minds. In 1624, Captain John Smith wrote: "I promise no Mines of gold; yet, . . . New England hath yeelded already, by generall computation, £100,000 at least in the fisheries. Therefore, honourable countrymen let not the meanness of the word *fish* distaste you, for it will afford as good gold as the Mines of Guiana, or Potassie." Individual traders, too, had sometimes made sudden fortunes in the fur trade. Accordingly, the Pilgrims expected to give most of their energies to these sources of magic riches. Pastor Robinson wrote, as late as June 14, 1620: "Let this spetially be borne in minde, that the greatest parte of the colonie is like to be imployed constantly, not upon dressing ther perticuler lands, and building houses, but upon fishing, trading, etc." But such delusions faded quickly before stern facts.

The first months were a time of cruel hardship. Says Bradford: "Now, summer being done, all things stand upon them with a wetherbeaten face; and the whole cuntrye, full of woods and thickets, represented a wild and savage hiew. . . .

In 2 or 3 months time, halfe their company dyed . . . wanting houses and other comforts; [and of the rest] in the time of most distres, ther was but 6 or 7 sound persons" to care for all the sick and dying. Of the eighteen married women who landed in January, May found living only four! The settlement escaped the tomahawk that first terrible winter only because a plague (probably the smallpox, caught from some trading vessel) had destroyed the Indians in the neighborhood. But when spring came and the *Mayflower* sailed for England, not one person of the steadfast colony went with her. In Holland they had carefully pondered the dangers that might assail them, and had highly concluded "that all grate and honorable actions must be enterprised and overcome with answerable courages."

For several years more the settlement had a stern struggle for bare life. For the fur trade the inexperienced Pilgrims were wholly unfit, and, in any case, to set up a permanent colony, with women and children, called insistently for exclusive attention to raising food and building homes. The "supplies" expected from the London partners came, from year to year, in too meager measure to care even for the new immigrants who appeared along with them, and the crops of European grains failed season after season. Fortunately, during the first winter, the colonists found a supply of Indian corn for seed and a friendly native to teach them how to cultivate it, and the old cornfields of the abandoned Indian villages saved them the formidable labor of clearing away the forest. The slow progress, even then, toward a secure supply of food is shown vividly in a letter from Edward Winslow at the end of the first year:

We have built seven dwelling houses, and four for the use of the plantation [for common use, that is, as storehouses, etc.], and have made preparation for divers others. We set, the last spring, some twenty acres of Indian corn, and sowed some six acres of barley and pease. . . . God be praised, we had good increase of [the]

Indian corn, and of our barley, indifferent good, but our pease not *worth the gathering*.

In the first year, then, the settlers had built only eleven rude cabins and had brought only twenty-six acres of land into cultivation. Winslow was writing to a friend in England who expected soon to join the colony. The following advice in the same letter suggests forcefully some features of life in the new settlement:

Bring every man a musket. . . . Let it be long in the barrel, and fear not the weight of it; for most of our shooting is from stands [rests]. If you bring anything for comfort [that is, anything more than bare necessities], butter or sallet oil . . . [is] very good. . . . Bring paper and linseed oile for your windows, and cotton yarn for your lamps [for wicks].

For long the governor's most important duty was to direct the work in the fields—where he toiled, too, with his own hands, along with all the men and the larger boys. But even among these “sober and godly men” the system of industry in common proved a hindrance:

For this communitie was found to breed much confusion and discontente, and retard much imployment that would have been to their benefite and comforte. For the yung-men, that were most able and fitte, . . . did repine that they should spend their time and strength to worke for other mens wives and children. . . . The aged and graver men, to be ranked and equalised in labours and victuals, cloaths, etc., with the younger and meaner sorte, thought it some indignitie and disrespect unto them. And for mens wives to be commanded to doe service for other men, as dressing their meate, washing their cloaths, etc., they deemed it a kind of slaverie; neither could many husbands well brooke it.

In the third year, famine seemed imminent. Then Governor Bradford, with the approval of the chief men of the colony, set aside the agreement with the London partners in this matter of common industry, and assigned to each family a parcel of land “for the time only.” Such trade and fishery as were carried on remained under common management; and even

these parcels of land did not then become private property. Only their temporary use was given. But, says Bradford, "This had very good success, for it made all hands very industrious, so as much more corne was planted then other waise would have been, by any means the Governour or any other could use. . . . The women now wente willingly into the field, and tooke their litle-ons with them to set corne, which before would aledge weakness . . . whom to have compelled would have bene thought great tiranie."

For other reasons, too, the danger of failure passed away. The Pilgrims were learning to use the opportunities about them. In 1627, when the partnership was to have expired, little had been done, it is true, toward repaying the London merchants. But the beginning of a promising fur trade had been secured; and Bradford, with seven other leading men, offered to assume the English debt if they might have control of this trade to raise the money. This arrangement was accepted by all parties. It took Bradford fourteen years more to pay the merchants. But meantime the merchants at once surrendered their claim upon the colony; and the lands, houses, and cattle were promptly divided among the settlers for private property.

The political development of Plymouth may be summed up briefly. Governor Carver died during the first spring. The next governor, William Bradford, was reëlected year after year until his death, in 1657, except for five years when he absolutely refused to serve. The Assembly was the essential part of the government. For many years it was, in form, merely a town meeting—a mass meeting of the voters of one small village. Soon after 1630, other settlements grew up in the colony, but even then the Assembly continued for a time to be a meeting of all male citizens, held in the oldest town. However, this clumsy and unfair system could not last among Englishmen. In 1636 the three chief towns sent *representa-*

*tives* to sit with the governor and Assistants to revise and codify the laws. The same device was used the next year in assessing taxes among the towns. And in 1639 it was decided that thereafter the Assembly should be made up of such representatives, with the governor and Assistants. There was never a division into two "Houses."

As other villages grew up about the original settlement at Plymouth town, their constables and other necessary officers were at first appointed by the central Assembly. But, soon after the central government became representative, the various settlements became "towns" in a political sense, with town meetings and their own elected officers, after a method introduced just before in Massachusetts Bay (page 90).

The first voters were the forty-one signers of the Mayflower Compact. Twenty-five adult males did not sign. Some of these were regarded as represented by fathers who did sign, and eleven were servants or temporary employees; but the absence of other names can be explained only on the ground that certain men did not wish to sign or that they were not asked to do so. Those who did sign made up the original Assembly. Thereafter, the Assembly admitted to citizenship as it saw fit. For a time it gave the franchise to nearly all men who came to the colony. But in 1660 a law required that new voters must have a specified amount of property; and after 1671 the franchise was restricted further to those who could present "satisfactory" proof that they were "sober and peaceable" in conduct and "orthodox in the fundamentals of religion." In practice, this limited the franchise to church members.

Political democracy at Plymouth was an outgrowth of economic and social democracy. There were no materials for anything else but democracy. Robinson, in a farewell letter (Pastor Robinson remained with the main congregation at Leyden), regards it a misfortune that the Pilgrims "are not furnished with any persons of spetiall eminencie above the

rest, to be chosen into offices of governmente.” Had such persons been present, public feeling would probably have made them an aristocracy of office. In that day, democracy rarely went further than to suggest that common men ought to have a voice in *selecting* their rulers: the actual rulers were to be selected *from* the upper classes. But in Plymouth no one was rich, even by colonial standards; and, more than in any other important colony, all the settlers came from the “plain people.” Hardly any of them except Winslow and Standish would have ranked as “gentlemen” in England. Bradford, there, would have remained a poor yeoman, and John Alden a cooper.

But, in even greater degree, democracy in politics at Plymouth resulted from democracy in the church,—and this ecclesiastical democracy *was* the essence of the Pilgrim experiment. Plymouth was, first, a religious society; then, an economic enterprise; and, last, and incidentally, a political commonwealth.

Plymouth never secured a royal charter. The government remained upon the basis of the Mayflower Compact until King William III annexed the colony to Massachusetts in 1691. Nor did the early settlers have legal title to their land. In 1630, however, the proprietary New England Council granted the territory to Bradford as trustee for the colony. Bradford kept the grant until he and his seven associates had paid off the huge debt they had assumed for the colony, but in 1641, with solemn ceremony, he surrendered his rights to the whole body of settlers. The colony then gave legal titles to the assignments of land it had previously made.

The colony grew slowly, counting less than three hundred people in 1630, when the great Puritan migration to Massachusetts Bay began. The later Puritan colonies, then established, grew much faster and taught more important lessons in politics and economics. Plymouth had little direct influence, in either of these ways, upon later American history.

It did have a large part in directing the later Puritan colonies, much against their first intention, toward church independency and so toward religious democracy; but its immediate service, after all, lay in pointing the way for that later and greater migration. This the Pilgrims did; and with right their friends wrote them later, when the little colony was already overshadowed by its neighbors,—“Let it not be grievous to you that you have been but instruments to break the ice for others: the honor shall be yours till the world’s end.” Says Goldwin Smith, “Columbus discovered a new continent, but it was the Pilgrims who discovered the ‘New World.’ ”

## CHAPTER IV

### MASSACHUSETTS BAY

#### THE FOUNDING

*God hath sifted a nation, that he might send choice grain into this wilderness.*—WILLIAM STOUGHTON, "Election Sermon," in 1690.

ONE of the several partnerships of English merchants engaged in New England fisheries (and so in establishing subsidiary stations along the coast) finally became incorporated as The Company for Massachusetts Bay. In the spring of 1628, this Company bought from the New England Council the territory between the Charles and the Merrimac rivers (extending west to the Pacific), and during the summer it sent out sixty settlers under John Endicott, a well-known Puritan gentleman, to a station near Cape Ann. A few "old settlers" there (survivors from Gorges' disbanded colony) were at first inclined to dispute Endicott's authority, but finally they recognized him peaceably as head of the settlement—to which accordingly he gave the Hebrew name "Salem" (Peace).

A year later (March 14, 1629), the Massachusetts Company secured a charter from King Charles. At the time this First Charter of Massachusetts Bay (as it came to be called later) was merely a grant to the commercial proprietary company. It confirmed their title to the land they had bought from the New England Council, and it gave them jurisdiction over settlers, similar to the authority possessed by other colonizing companies in England, though more restricted. It did *not* authorize capital punishment, martial law, control over im-

migration, or coinage of money (as most such charters did), though all these powers were later exercised under it.

The company now busied itself diligently in collecting supplies of all sorts and in seeking out desirable emigrants of various trades. In May of 1629, it sent out its second expedition, of some 200 settlers, led by Francis Higginson, a Puritan minister. Soon after, a Puritan church was organized in Salem.

So far, the history of the colony is like that of other commercial plantations. Most of the settlers were "servants," and rather a worthless lot. The chief men were Puritans because it was easier just then for an emigration from England to find fit leaders among the Puritans than among other classes; and the proprietary company was Puritan, on the whole, because almost the whole merchant class in England was Puritan. But there is no evidence that anyone was planning, as yet, to build a Puritan colony.

Later in this same year, however, a new colonizing movement did begin, with that special purpose. This movement was due to a new danger to Puritanism in England. For years, despite the strenuous efforts of the Puritans, the English Church had been carried farther and farther away from their ideals. Bishop Laud, the tireless leader of the High-church movement, was ardently supported by King Charles. All high ecclesiastical offices had been turned over to Laud's followers, and his "High Commission," with dungeon and pillory, was now ready to drive Puritan pastors from their parishes.

The Puritans had rested their hope upon parliament. They made the great majority in the House of Commons; and with the meeting of the third parliament of Charles, in 1628, their reform seemed on the verge of success. That parliament extorted the king's assent to the famous "Petition of Right," and, in the winter of 1629, it began vigorously to regulate the Church. But suddenly the king struck a despotic blow. March 2, he dissolved parliament, sent its leaders to the Tower,

and entered upon a system of absolute rule. For eleven years no parliament was to meet in England. Religious reform and political liberty had gone down in common ruin, the end of which no man then could see. The gloom of English Puritans at this outlook is expressed in a letter (June, 1629) from John Winthrop in London to his wife at their manor house:

I am verily persuaded God will bringe some heavye Affliction upon this Land, and that speedylie. The times grow worse and worse; all the other churches (outside England) have been smitten and made to drink the cup of tribulation even unto death. England, seeing all this, has not turned from its evil ways. Therefore He is turninge the Cuppe towards us also, and because we are the last, our portion must be to drink the verye dreggs.

The continent of Europe offered no hope. Every form of Protestantism there seemed doomed. Wallenstein's victorious troopers were turning the Protestant provinces of Germany into wilderness homes for wild beasts; and in France the all-powerful Richelieu had crushed the Huguenots. Accordingly, the more dauntless of the English Puritans turned their eyes to the New World. At Plymouth was the colony of the Separatists, not large, but safely past the stage of experiment; while close by was the prosperous beginning of a commercial colony controlled by a Puritan company in England and managed on the spot by well-known Puritans like Endicott and Higginson. How natural to try to convert this Massachusetts into a refuge for Low-church Puritanism, such as Plymouth already was for "Puritans of the Separation."

But the leaders of this new movement had no idea of becoming part of a mere plantation governed by a distant proprietary company, however friendly. They were of the ruling aristocracy of England—justices of their counties, and, on occasion, members of parliament. And so a number of them gathered, by long horseback journeys, and signed the famous *Cambridge Agreement* (August 25), promising one another solemnly that they would embark for Massachusetts with their



*George Washington*: "WE GO TO SEEK OUT A PLACE OF  
COHABITATION UNDER A DUE FORM  
OF GOVERNMENT, BOTH CIVIL AND ECCLESIASTICAL, ACCORDING TO  
THE LAWS OF GOD."—(TO FRIENDS IN ENGLAND.)

families and fortunes, *if* they could find a way to take with them the charter and the "whole government." A proposal to transfer the government of the company to America had been made a month before at the July meeting of the company in London. The plan was novel to most of the members; but in September, after repeated debates, it was approved. Commercial motives faded beside the supreme desire to provide a safe refuge for Puritan principles.

The new men of the Cambridge Agreement now bought stock; many old stockholders drew out; the old officers resigned, since they did not wish to emigrate; and John Winthrop, the most prominent of the new men, was elected "governor" (October, 1629). The next spring, Winthrop led to Massachusetts a great Puritan migration—the most remarkable colonizing expedition that the world had ever seen. For the first time a proprietary corporation removed to its colony. Colony and corporation merged. Massachusetts became a corporate colony and a Puritan commonwealth.

In May, 1629, Endicott had a hundred settlers at Salem. In June, when Higginson arrived with two hundred more, another plantation was begun at Charlestown.<sup>1</sup> Now, in the summer of 1630, seventeen ships brought two thousand settlers to Massachusetts, and six new towns were started—Boston, Dorchester, Watertown, Roxbury, and minor settlements at Lynn (Saugus) and Newton, afterward Cambridge (map, page 103).

True, the immigrants found conditions sadly different from their expectations. Two hundred returned home in the ships that brought them, or sought better prospects in other colonies, and two hundred more died before December. Imme-

<sup>1</sup> The next winter slew nearly a third of the colonists; and in June of 1630 Winthrop found the survivors starving and demoralized. Four-fifths of them were servants of the company; but they had accomplished nothing, and Winthrop thought it cheaper to free them than to feed them. There were also seven other little settlements along the coast—like that of Blackstone at Boston—with a total population of some fifty souls, remnants of the commercial attempts mentioned on page 51.

diately on his arrival, Winthrop, in fear of famine before the next summer, wisely hurried back a ship for supplies. Its prompt return, in February, saved the colony. (According to one story, Winthrop had just given his last measure of meal to a destitute neighbor.) But meantime the deserters spread such discouragement in England that for the next two years emigration to Massachusetts ceased. In 1633, however, it began again. Soon after, the king seemed for a time to have established a legal claim to the power of arbitrary taxation (in the famous "ship-money" controversy). This gave new impetus to the Puritan emigration, and it went on, at the average volume of three thousand people a year, until the Long Parliament was summoned.

Thus the eleven years of "No Parliament" in England saw twenty-five thousand selected Englishmen transported to New England. This was the "Great Migration." In 1640 the movement stopped short. Says Winthrop, "The parliament in England setting upon a general reformation both in church and state, . . . this caused all men to stay in England *in expectation of a New World*" there.<sup>2</sup> Indeed, the migration turned the other way; and many of the boldest and best New England Puritans hurried back to the old home, now that there was a chance to fight for Puritan principles there. Winthrop's third son and one of his nephews went back and rose to the rank of general under Cromwell, while the Reverend Hugh Peter—rather a troublesome busybody in the colony—became Cromwell's chaplain. Such facts help us to understand that the larger figures on the small New England stage, like Win-

<sup>2</sup>The sudden stop in immigration caused serious industrial depression. Until that time the colony had been unable to raise sufficient supplies for its use. Newcomers brought money with them, and gladly paid for cattle and food the price in England plus the cost of transportation. In an instant this was changed. The colony had more of such supplies than it could use, and high freights made export impossible. Both Bradford and Winthrop lament the fall in prices—for a cow from £20 to £5, etc.—without very clear ideas as to its cause. The phenomenon, new then, has been repeated many times since on moving frontiers.

throp and his gallant son John Winthrop, Jr., were fit companions for the actors on the great European stage in that great day.

New England had no further immigration of consequence until after the Revolution, but this coming of the Puritans during England's ten hopeless years is one of the fruitful facts in history. The twenty-five thousand are the ancestors of perhaps a sixth of our population today, and we owe to them (even including the troublesome "New England conscience") much more than a sixth of our higher life in America.



To be sure, the motives of the immigrants were not un-mixed. The twenty-five thousand were not all Puritans, and even the Puritans were not all saints. Some little communities were made up wholly of rude fishermen. Old Cotton Mather tells how a preacher from another town, visiting Marblehead and praising the devotion of the people to religious principle, was interrupted by a rough voice,—“You think you are talking to the people of the Bay: *we* came here to catch fish.” Then the Puritan settlements themselves contained many non-Puritan “servants.” Winthrop alone brought in his “household” some twenty male servants, several of whom were married. Many of this servant population were a bad lot, with the natural vices of an irresponsible, untrained, hopeless class. On the voyage, cheats and drunkards from among them had to receive severe punishment; and, arrived in America, the better ones were sometimes demoralized. They saw vaster chance for free labor than they had ever dreamed—but they had ignorantly bound themselves to service through the best years of life. Brooding on this led some to crime or suicide.

The great body of free immigrants had been shopkeepers, artisans, and small farmers in England. They were plain, uneducated men who followed a trusted minister or an hon-

ored neighbor of the gentry class. In the main they came, not to build an ideal state, like their leaders, but merely to get away from the pressure of poverty. They had felt keenly the force of Winthrop's plea:

This Land growes weary of her Inhabitants, soe as man, who is the most pretious of God's creatures, is here . . . of less prise among us than an horse or a sheepe . . . Why then should we stand striving here . . . (many men spending as much labour and coste to keepe an acre or tuoe of Land as would procure many hundred as good or better in another Countrie) and in the meantime suffer a whole Continent, fruitfull and convenient, to lie waste?

Nor were the greatest of the Puritans moved by religious motives only. They, too, expected to better their worldly conditions. Even John Winthrop had been induced to emigrate, in part, by the decay of his fortune. As he explained, in the third person, to his friends, "His meanes heer [in England] are soe shortened as he shall not be able to continue in the same place and callinge [as before]; and so, if he should refuse this opportunitye, *that talent which God hath bestowed upon him for publick service were like to be buried.*" Many others of the 1630 migration had been deluded by "the too large commendations" of New England which Higginson had sent back in the preceding summer.

But when these dreams faded, the more steadfast spirits did not falter, but showed bravely the higher aims that moved them most. After the first hard months Winthrop wrote to his wife, who was to join him the next spring: "I do hope our days of affliction will soon have an end . . . Yet we may not look for great things here . . . [But] we here enjoy God and Jesus Christ. I thank God, I like so well to be here as I do not repent my coming; and if I were to come again, I would not have altered my course though I had forseen all these afflictions." And Dudley, one of his stout-hearted companions, albeit a blunt man not fond of soft words, speaks with gentle charity of "falling short of our expectations, to our great

prejudice, by means of letters sent us hence into England, wherein honest men, out of a desire to draw others to them, wrote *somewhat hyperbolically* of many things here," and adds:

If any come hether to plant for worldly ends, that canne live well at home, hee comits an errour of which hee will soon repent him. But if for spirittuall, he may finde here what may well content him: viz., materialls to build, fewell to burn, ground to plant, seas and rivers to ffish in, a pure ayer to breath in, good water to drinke till wine or beare canne be made,—which, toegether with the coves, hoggs, and goates brought hether already, may suffice for food; for as for foule and venison, they are dainties here as well as in England. Ffor cloaths and beddinge they must bringe them with them, till time and industry produce them here. In a word, wee yett enjoy little to bee envyed, but endure much to bee pytyed in the sicknes and mortalitye of our people. . . . If any godly men out of religious ends will come over to helpe us . . . I thinke they cannot dispose of themselves or their estates more to Gods glory . . . . but they must not bee of the poorer sort yett for diverse yeares. Ffor we have found by experience that they have hindered, not furthered the worke. And for profaine and deboshed persons, their oversight in comeinge hether is wondered at, where they shall finde nothing to content them.

### EARLY HARDSHIPS AND KINDS OF WORK

After the first winter the colony was never in danger of absolute ruin, but the settlers long suffered more than the common hardships of a frontier. They did not take naturally to pioneer life as our later backwoodsmen did. They had no love for the wilderness, nor could they adapt themselves readily to its new requirements. But they had soberly and prayerfully committed life, family, and fortune to a daring experiment, and, like the Pilgrims, they too met disaster "with answerable courages." Men, who had left stately ancestral manor houses, took up life calmly in rudely built log cabins, and never looked backward. Famous ministers, who came from the loveliest parish churches in peaceful England,

preached and gave the communion, and married, baptized, and buried, in bleak, barn-like "meeting-houses," where each male worshiper brought his musket, and where they might, sometimes, hear the dreaded warwhoop break in upon their psalms. A pitiable proportion of the babies died, year by year, in the harsh climate and draughty houses, and a shocking number of brave, uncomplaining, overburdened women "but took New England on the way to Heaven." Sparks from the mud-plastered fireplaces and chimneys set many a fire. (Winthrop's "Journal" speaks repeatedly of such loss—home, barn, hay, and stock, often in the dead of a winter night; and Captain John Smith chances to mention that at Plymouth in the third winter seven of the thirty-two homes burned down.) Wolves killed the calves of this or that settler—a serious disaster when most stock had still to be brought from England. Men, and sometimes women, were lost in short trips through the woods, and found frozen to death. Inexperienced fishermen were caught by storms and swept away to sea.

Amid all this, the gentry kept up as much as they could of the old English stateliness. They trod brier-tangled forest paths, clad in ruffles, silk hose, long cloak, and cocked hat, and solemnly exchanged garments, in token of friendship, with painted savages who now and then stalked haughtily into the villages to dine with the chief men. And slowly the colony worked its way to a rude comfort. In 1670 a Boston schoolmaster, Benjamin Thompson, pictures for us how—

the dainty Indian maize  
Was eat with clam shells out of wooden trays,  
Under thatched huts without the cry of rent,  
And the best sauce to every dish—Content.

From the first there were many kinds of work. Some of the "gentlemen" tried for a while—not very successfully—to farm large plantations with indentured servants, as was being done in Virginia. Nearly every free man, besides his village

lot, had his hundred acres or so of land. (These grants, large or small, were true "freeholds," unencumbered by even the nominal quitrents customary in Virginia; and this liberal land policy helps to explain the large non-Puritan elements soon attracted to the colony.) As soon as enough breeding stock could be secured, enterprising farmers began to raise cattle. From the beginning, each family raised a few pigs each year, to supply its pork-barrel—and the straying and trespasses of those unruly brutes were an incessant source of annoyance and (as we shall see) of political dissension.

But the stony soil forced farmers to practice also other industries. Mills to grind grain appeared here and there, where streams provided water power. And in the second year, New England's famous shipbuilding and coasting trade began, when Winthrop launched *The Blessing of the Bay*—a small schooner, which traded for furs with the Indians and with English settlements along the coast, from the Kennebec to the Connecticut. Very early some primitive "iron works" began to extract iron from the easily worked "bog" deposits, and to cast simple implements. In 1648 the Lynn Furnace turned out eight tons a week, and the Lynn Library still shows a kettle cast there in 1642, said to be the first casting in America. In 1646 the General Court issued a patent to Joseph Jenks for certain improvements on the scythe which gave that tool its modern form. Brick kilns were among the early industries. The first American sawmill appeared as early as 1635—near the modern Portsmouth in New Hampshire; and soon at many such points rude mills were turning the forest about them into lumber for export. At other clearings, remote from the water power necessary for mills, the great logs were burned into pot-ash (or pearl ash)—indispensable in that day not only in making soap but also in woolen manufactures, so that it long made a leading export to England. Indeed, the vast woods, stretching to the dooryards of the villages, offered every man the chance to spend his idle moments profitably in

hewing out staves and clapboards and shingles, both for his own use and for export.

### ARISTOCRACY VS. DEMOCRACY

The Puritan fathers did not find it easy to stretch the charter of a merchant company into a constitution for a commonwealth—especially as that commonwealth was pulled now this way, now that, by contending aristocratic and democratic factions. Early Massachusetts was predominantly aristocratic. The charter provided that all important matters of government should be settled by the stockholders (“freemen”) in four “General Courts” each year. But only some twelve freemen of the corporation had come to America. These were all of the gentry class—men of strong character and, most of them, of prudent judgment—and before leaving England, they had chosen themselves magistrates (governor, deputy governor, and “Assistants”). Even without such office, and merely as the only “freemen,” the twelve had sole authority to rule the two thousand settlers and to make laws for them, and the little oligarchy began at once to use this tremendous power. The first meeting of Assistants in America fixed the wages of laborers, forbidding a carpenter or mason to take more than two shillings a day.

But from the first a democratic movement challenged this oligarchic government. The first General Court was held in October, 1630. By death and removal, the twelve possessors of power had shrunk to eight. These eight gentlemen found themselves confronted by a gathering of one hundred and nine sturdy settlers asking to be admitted freemen. This was a united demand for citizenship, by nearly all the heads of families above the station of unskilled laborers. To refuse the request was to risk the wholesale removal of dissatisfied colonists either to Maine, where Gorges would welcome them, or to Plymouth: to grant it was to endanger the peculiar Puritan

commonwealth at which the leaders aimed, and to introduce more democracy than they believed safe.

In this dilemma, the shrewd leaders tried to give the shadow and keep the substance. They postponed action on the application until the next spring. Meantime they passed two laws—in violation of the charter: first (October, 1630), that the Assistants, instead of the whole body of freemen, should make laws and choose the governor; and second (May, 1631), that the Assistants should hold office during good behavior, instead of all going out of office at the end of a year as the charter ordered. Then they admitted 116 new freemen, having left them no power except that of electing new Assistants “when these are to be chosen.”

The applicants, in their anxiety to get into the body politic, agreed for a time to these usurpations. Indeed they did not know what their rights should be. The charter was locked in Winthrop's chest, and only the magistrates had read it or heard it. For a year more, that little body, now shrunken to seven or eight, continued to rule the colony, admitting a few new freemen, now and then, to a shadowy citizenship.



The chief founders of New England had a very real dread of democracy. John Cotton, the greatest of the clerical leaders, wrote: “Democracy I do not conceive that God did ever ordain as a fit government for either church or commonwealth. If the people be governors, who shall be governed? As for monarchy and aristocracy, they are both clearly approved and directed in the Scriptures. . . .” And the great Winthrop always refers to democracy with aversion—asserting that it has “no warrant in Scripture” and that “among nations it has always been accounted the meanest and worst of all forms of government.” At best, Winthrop and his friends believed in what they called “a mixt aristocracy”: the people (above the condition of day laborers) might choose their rulers—provided

they chose from still more select classes—but the rulers so chosen were to possess practically absolute power, owning their offices as an ordinary man owned his farm.

Calvin, the master of Puritan political thought, teaches that to resist even a bad magistrate is “to resist God.” His language is followed closely by Winthrop. In 1639, after the people in Massachusetts had secured a little power, the aristocratic faction tricked them out of most of it for a while by a law decreasing the number of deputies, so that they should not outvote the magistrates in the Court. Some of the people *petitioned* modestly for the repeal of this law. Winthrop looked upon the petition as “tending to sedition!” Said he, “When the people have chosen men, to be their rulers, now to combine together . . . in a public petition to have an order repealed . . . *savors of resisting an ordinance of God*. For the people, *having deputed others*, have no power to make or alter laws themselves, but are to be subject.”<sup>3</sup> The great founders of America were far from believing in government “*of the people and by the people.*”

### J

The first protest against the oligarchic usurpation came, after good English precedent, upon a matter of taxation. In February, 1632, the Assistants voted a tax for fortifications. Watertown was called upon to pay eight pounds, but the Watertown minister called his people together and secured a resolution “that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage.” This was the famous “Watertown Protest.” Governor Winthrop at once summoned the men of Watertown before him at Boston as culprits, rebuked them for their “error,” and so overawed them that they “made a retraction and submission . . . and so their offence was pardoned.” Probably, how-

<sup>3</sup> These quotations from Winthrop come from his *History of New England*. This has been printed only with modernized spelling. When a Winthrop quotation is given with antique spelling, it comes from his *Letters*.

ever, on the walk back to Watertown through the winter night, the "error" revived. Certainly, during the next months there was secret democratic plotting and sending to and fro among the towns of which we have no record. (Our information comes almost wholly from the brief *Colonial Records* and from Winthrop. The democrats never wrote their story.) At all events, a week before the next General Court met in May, Winthrop warned the Assistants "he had heard that the people intended . . . to desire [vote] that the Assistants might be chosen anew every year, and that the governor might be chosen by the whole court, and not by the Assistants only." (These two rules were charter provisions, of which the freemen must have heard some rumor.) "Upon this," adds Winthrop's *Journal*, "Mr. Ludlow [an Assistant] grew into a passion and said that then we should have no government, but there would be an interim wherein every man might do what he pleased." In spite of such silly passion, when the General Court met, the freemen calmly took back into their own hands the annual election of governor and of Assistants. Then they went further, and sanctioned the Watertown protest by decreeing that thereafter each town should choose two representatives to act with the magistrates in matters of taxation.

This was not yet representative government. The new deputies acted in taxation only: the magistrates kept their usurped power to make laws. True, the magistrates now had to come up for reëlection each year, but this was little more than a polite form. No chance was given to nominate two candidates for a position, and then to choose between them. The Secretary of the Assistants made nominations—in some such form as, "Mr. Ludlow's term as Assistant has expired; will you have him to be an Assistant again?" On this sort of nomination the people had to vote Yes or No, by erection of hands. Unless they first rejected an old officer, there was no chance to elect a new one.

In spite of such drawbacks, the reform of 1632 was a democratic advance. Two years later came the second step, the peaceful revolution of 1634.

This movement began as a protest against special privilege. The Assistants had made laws to favor their own class—trying repeatedly to keep wages down to the old level of England and ordering that swine found in grain fields might be killed. Winthrop speaks often of the high cost of food and other necessities, as compared with English prices, but he was honestly dismayed that carpenters should ask more than the old English wage. Indeed, he puts the cart before the horse, and blames the higher cost of living upon the rise in wages, quite in twentieth century style. As to the swine law—the poor man wanted his pig to find part of its living in the woods, but the rich men were not willing to fence their large fields. This matter caused harder feeling even than the wage laws.<sup>4</sup>

The common freemen determined to stop some of this class legislation. In April, 1634, Governor Winthrop sent out the usual notice calling all freemen to a General Court in May. Soon after, on a given day, two men from each of the eight towns met at Boston. How the meeting was arranged and the "committees" chosen, we have no record; but again there must have been much democratic planning, and many a hard journey through the forest, to secure this "first political convention in America."

The convention asked to see the charter. After reading it, they called Winthrop's attention to the fact that the making of laws belonged properly to the whole body of freemen (now some 200), instead of to the nine Assistants. Winthrop told them loftily that the freemen did not have men among them "qualified for such a business." He suggested, however, that perhaps they might once a year choose a committee *to make*

<sup>4</sup> Free land, near and abundant, soon made all wage legislation void and absurd. A carpenter, if ordered to accept too low a wage, merely became a farmer—and so helped to keep up the wages of all artisans.

*suggestions* to the Assistants. The good governor felt sure—as his *Journal* shows—that this condescension had quieted the trouble. But when the General Court met (May 14), three deputies appeared from each of the eight towns, to sit with the Assistants, not merely to suggest laws, but to make them. Representative government had begun.

The aristocrats had had warning that their power was in danger, and they put forward their leading clerical champion, John Cotton,<sup>5</sup> to preach the usual “election sermon” to open the Court. Winthrop narrates with unconcealed satisfaction how Cotton on that occasion “showed from the Word of God that a magistrate ought not to be turned into the condition of a private man without just cause [and after a formal trial], no more than the magistrate may not turn a private man out of his freehold, etc., without like public trial.” This was a claim that public office was private aristocratic property. The answer of the freemen was to demand a ballot, instead of the usual “erection of hands,” in choosing a governor. Then they dropped Winthrop from the office he had held for four years, and fined some of the Assistants for illegal abuse of power. They also ordered jury trial for all important criminal cases, and admitted 81 new freemen *whom the Assistants the day before had refused to admit*.

The Court then made the revolution permanent. It decreed that every General Court in future should consist (like this one) of deputies chosen by the several towns and of the gover-

<sup>5</sup> Cotton was one of the gentlest and most likable of the early Puritan clergy, but he could use sophistry on occasion in masterly fashion—as when he argued against free speech for certain dissenters on the ground that [since they differed from *him*] they must “sin against conscience, and so it could not be against conscience to restrain them.” Winthrop tells a delicious story—without any suspicion of its flavor to us—of the admission of Cotton’s wife to the Boston Church. Church membership in England was no longer accepted, but a new confession of faith was required. Cotton made a lengthy and eloquent statement for himself, and then “desired the elders to question Mistress Cotton in private, and that she might not be required to give testimony in public, which was against the Apostle’s rule and woman’s modesty”; and, this being agreed to, he himself then “gave a *modest* testimony of her.”

nor and Assistants. Only such Courts could admit freemen, lay taxes, or make laws. The May Court each year was also to be a Court of Elections: at the opening of this Court, all freemen might be present, to choose governor and Assistants. For the most part, the old rulers took these changes in good part, quite in English temper; and the generous Winthrop, after recording his defeat, adds magnanimously, "This Court made many good orders."

The "divine right" doctrine of Cotton was further rebuked by the election of a new governor for each of the two following years. Then, in a period of great trouble, the trusted Winthrop was chosen again, and kept in office by annual elections, except for five years, until his death in 1649. Even in 1634, Winthrop was chosen to the Board of Assistants; but Ludlow (page 79) was dropped altogether from the magistracy—the first action of that sort in the colony.

Massachusetts had grown from a narrow oligarchy into a representative aristocracy, but it was still far short of a democracy. There was more aristocracy in society than even in politics. Five distinct social classes were found in early Massachusetts:

Gentlemen, who alone had the title Master (Mr.);

Skilled artisans and freeholders, the backbone of the colony, usually addressed as "Goodman" Brown—or "Goodman" Jones;

Unskilled laborers, for whose names no handle was needed, and for whom indeed the surname was not often used;

Servants, who usually passed into the class of laborers;

Slaves, of whom there were soon a small number, both negro and Indian.

Gentlemen were set apart from the lower orders almost as distinctly as Lords in England were from gentlemen. In early Massachusetts, one family out of fourteen belonged to this

aristocracy. For ordinary "people" to show subordination to these social superiors was about as essential as to obey written law, and the law expressly gave them some privileges. In 1631, Mr. Josias Plaistowe was convicted of stealing corn from the Indians. His servants—who had assisted, under orders—were condemned to be flogged; but the court merely fined Plaistowe and ordered that thenceforward he should be called "by the name of Josias, and not Mr., as formerlie." This was equivalent to degrading an officer to the ranks. For another offense, Josias would no doubt be whipped, like an ordinary man. The aristocracy were always exempt from corporal punishment by custom; and in 1641 this exemption was put into written law. There was also a legal distinction as to dress. In 1651 the General Court declared its "utter detestation . . . that men or weomen of meane condition should take uppon them the garbe of gentlemen by wearing gold or silver lace or buttons . . . or to walk in great bootes, or woemen of the same rancke to weare silke or tiffany hoodes," and then proceeded to impose a fine of "tenn shillings for every such offense."

The franchise, too, was far from democratic. The voting "freemen" were still a small part of the free men. The General Court of 1631, which admitted the first new freemen, ordered that thereafter only church members should be made freemen, but this did not mean that all church members could vote: it meant that voters were to be *selected* only from church members. Unskilled laborers, servants, even slaves, were admitted to the churches, but never to full citizenship. Only about one man out of four could vote at any time in Massachusetts' first half-century.

### DEVELOPMENT OF POLITICAL MACHINERY

The Court of 1634 voted *by ballot* when it unseated Winthrop. We know this fact from the note, "chosen by papers,"

in the margin of Winthrop's manuscript, opposite the name of the new governor. "Papers" were used as an aid to the democratic faction. A secret vote protected the voters from being overawed by Winthrop's influential friends.

This was the first political use of the ballot in America, though "papers" had been used once before in a church election at Salem. This method of voting, though not in use for parliamentary elections, was common in boroughs and in large business corporations in England.<sup>6</sup> One of these business corporations had now become a political corporation in Massachusetts, and nothing could be more natural than for it to make use of the ballot as soon as serious differences of opinion arose.

After 1635, law *required* the Court of Elections to use papers in choosing governor and Assistants. For governor each voter wrote upon his ballot the name of his choice, or found someone to write it for him; but for some time the Assistants were chosen one at a time much in the old way. The Secretary nominated one of those already in office. Then the people deposited their ballots. Those in favor of the nominee marked their papers with a scroll or cross—which did not call for ability to write: those opposed voted blank ballots. (In 1643 the law ordered that kernels of corn should be used instead of paper ballots—white kernels to signify election; and other colors, rejection.) If the candidate were defeated, another nomination was made for his place, to be accepted or rejected in like manner. There was no opportunity, so far, to choose *between* two candidates, and the man in office still had a tremendous advantage.

The next step was to introduce the ballot in town elections. This was done first at Boston, in December, 1634, when a committee was chosen to divide public lands among the inhabitants. The people, says Winthrop, "feared that the richer

<sup>6</sup> See page 40 for reference to the ballot in election of the London Company. The "rules" of that body ordered that its elections should be by ballot.

men would give the poorer sort no great proportions of land," and this time, too, they used the ballot to leave out the aristocratic element.

In all these cases the advantage of the ballot lay in its secrecy. But there is another way in which the ballot aids democracy. Its use makes it possible for more men to vote—since each may now just as well vote near home, instead of being required all to come to one central point. Soon the men of Massachusetts used the ballot for this purpose also. In March, 1636, the General Court ordered that the freemen of six new outlying towns might send "proxies" to the next Court of Elections. During the next December, the governor resigned and a special election was called, and "in regard of the season," any freemen were authorized "to send their votes in writing." The next spring (March, 1637) this method of voting for governor and Assistants was made permanent. Out of the use of proxies a true ballot in the several towns had developed.

When men came to elect the governor and Assistants in the several towns, in this way, instead of all coming to Boston for the purpose, it was necessary, of course, to know in advance from what names the choice was to be made. The old system of nomination broke down, and the colony invented the first steps toward the later American system of nominating conventions, made up of delegates from the various towns.



Judicial development kept pace with political growth. In the first summer in Massachusetts, a man was found dead under suspicious circumstances. The magistrates appointed a body of sworn men to investigate. This coroner's jury accused a certain Palmer of murder. Palmer was then tried by a trial jury (*petit jury*) of twelve men. All this was in accord

with *custom in England*. No Massachusetts law upon the matter had been passed.

In 1634, however, the General Court did expressly establish trial by jury, and a year later it ordered that a jury of inquest (grand jury) should meet twice a year, to present to the court all offenders against law and public welfare. Thus the first five years saw the complete adoption of the English jury system. It is said sometimes—with much exaggeration—that in the absence of written law, the Puritans followed the Jewish law. But in this supremely important matter of legal machinery (as in many others) they turned promptly not to the Old Testament, but to the English Common Law.

At the General Court in May, 1635, the deputies demanded a written code of law. The magistrates were making law, almost at will, in their decisions, *after* cases came before them; and “the people thought their condition very unsafe,” says Winthrop, “while so much power rested in the discretion of the magistrates.” The democratic demand could not very well be openly denied, but for a time it was evaded skillfully. The Court appointed four magistrates to prepare a code; but this committee failed to report. A second committee of “gentlemen” was equally ineffective. Then, in 1638, the Court ordered that the deputies should collect suggestions from the freemen of their several towns, and present them in writing to a new committee made up partly of deputies.

Now matters began to move. The suggestions from the towns were reduced to form in 1639, and sent back for further consideration, “that the freemen might ripen their thought,” and make further suggestion. The next lot of returns was referred to two clergymen, John Cotton and Nathaniel Ward. On this basis, in 1641, each of these gentlemen presented a full code to the General Court, and the more democratic one, by Ward, was adopted.

This famous “Body of Liberties” marks splendid progress

in law, English or American. Especially notable are: (1) the provision that no punishment should be inflicted merely at the discretion of magistrates but only by virtue of some express law of the colony; (2) prohibition of monopolies; (3) provision for jury trial with the new right of "challenge"; and (4) the curiously interesting legislation under the headings "Liberties of Women" and "Liberties of Children." Much in advance of English Common Law practice was the order, "Everie married woeman shall be free from bodilie correction or stripes by her husband"—although there was added the prudent afterthought, "unless it be in his owne defence upon her assault."



The next important fruit of the democratic movement was the division of the legislature into two Houses. For ten years after the "revolution of 1634," the General Court sat as one body. But it was made up of two distinct "orders." The deputies were chosen each by his own townsfolk, and held office for only a few days. Often they were artisans or farmers, and as a whole they leaned to democracy. The Assistants continued to be intensely aristocratic. They had many additional meetings for judicial business and to aid the governor. They had to know some law, and they served without pay. Only "gentlemen" were qualified for the office, or could afford to hold it. More yet to the point—the hottest democrat did not dream of selecting these "*ruling* magistrates" from any but the highest of the gentry class.

Naturally, friction between the two orders was incessant. At the first clash, in the summer Court of 1634, the Assistants claimed "a negative voice," or veto. To grant this was to give as much voting power to the aristocratic minority as to the democratic majority. But the ministers were brought forward to argue for the plan, and finally it was agreed to.

During this controversy, a pamphlet by Israel Stoughton,

of Dorchester, attacked the claim of the Assistants—with what Winthrop calls “many weak arguments.” The Assistants summoned Stoughton before them, forced him to recant, ordered his book burned (probably not for its “weakness”), deprived him of his office of deputy, and forbade him to hold any office for three years! The great Puritan leaders had no place for free speech, even in politics. Thanks to English custom, debate in the General Court was free, and Stoughton could have spoken his arguments there with impunity. But the Assistants denied the right of a citizen, outside the legislature, to criticize the government. Winthrop had written a pamphlet, “with many weak arguments” certainly, *in favor* of the “negative voice,” but the Assistants saw no wrong in argument on that side.

The Assistants had now won much the greater weight in the legislature. They were a small disciplined body. They could agree upon plans before the Court met, and could act as a unit in the meeting much better than could the deputies. Moreover, the Assistants monopolized debate: it was impossible for individual deputies to confront men of such social superiority and such political ability. The deputies saw that they would gain dignity and influence if they sat by themselves; and, in 1644, the General Court separated into two “Houses.” Thereafter, each “order” had its own officers and committees, and managed its own debates.

This was the first two-House legislature in America. (Cf. page 49.) The immediate occasion for the division was a quaint three-year dispute over a poor woman’s pig, which had strayed into the pen of a rich gentleman and had been slaughtered. Says Winthrop, “There fell out a great matter upon a small occasion.” Three lawsuits regarding this pig had come up to the General Court. Each time the deputies had sided with the woman, the Assistants with the “gentleman.” The irritation on both sides hastened the separation of the legisla-

ture into distinct chambers. But such a move had already been considered, and the real cause lay in the class jealousy that we have been tracing. When Assistants and deputies could no longer live in peace under one roof, a convenient remedy was suggested (as the preamble to the new law proves) by the example of the two-House English parliament.

## LOCAL GOVERNMENT IN NEW ENGLAND

*Town meetings are to liberty what primary schools are to science.*—TOCQUEVILLE.

The Englishmen who came to New England, unlike those who had gone to Virginia and Maryland, from the first settled not on scattered farms or plantations but in little "towns." Many of the colonists had come in congregations, led by honored ministers, and each such group wished to keep together near its "meeting house," where there were two or more services during the week besides the Sunday worship. Still more decisive was the influence of climate and soil. New England farms, we have explained, had to be small to be profitable, and small farms made it natural for the owners to settle in villages such as they had been accustomed to in the Old World, each with its tilled fields stretching away at convenient spots near by.

The first eight "towns" (page 69) were on the coast. After 1634, new towns sprang up, along the rivers, farther inland, as at Lexington and Concord. Whenever a group of settlers wished to start a town, they had first to get permission, and a grant of territory, from the General Court. At first the General Court also appointed justices and constables for each settlement and tried to attend to its other local business. But from the first, too, on special occasions, the people of a town met at times to discuss matters of interest—as at the famous Watertown meeting of 1632. Such gatherings were called by

a minister or other leading man, and were sometimes held just before the people dispersed from the Thursday "sermon," the ancestor of our midweek "prayer meeting." The first Boston meeting that we know of was held at such a time, to choose a committee to divide the town lands (page 84).

Then in 1633, Dorchester ordered that there should be a regular monthly town meeting *to settle* town matters. Watertown followed this example the next spring; and soon each town, old or new, fell into line. Each town chose a town clerk to keep records of the "by-laws" passed at the meetings, and elected a committee ("the seven men," "the nine men," "the selected townsmen," "the Select Men") with vague authority to manage town affairs between the town meetings. Thus, local government by town meeting and selectmen grew up out of the needs of the people, and out of their desire to manage their own affairs.

Soon the General Court gave legal sanction to the system. After that, in theory, the towns possessed only such authority as the central government of the commonwealth delegated to them. The central legislature still gave the town its territory and its name and required it to maintain trainband, school, roads, and certain police arrangements. In practice, however, great independence was left the town. The town meeting appointed all local officers—not merely selectmen and clerks, but school trustees, hog reeve, fence viewer, constable, treasurer, pound keeper, sealer of weights and measures, measurer of corn and lumber, overseer of chimneys, and overseer of the village almshouse. For most of these officers it alone defined all powers and duties. It divided the town lands among the inhabitants—such a part as it chose to divide—and it fixed the size of building lots—a quarter-acre, an acre, two acres, or five. It passed ordinances regarding the remaining town fields and pastures, the keeping up of fences, the running of cattle and hogs, the term of the school and its support, the support of the church, and of the town poor.

This town democracy had its disadvantages. Action was slow, and was often hindered by ignorance and petty neighborhood jealousies. But the town meeting did give a constant training in politics to the mass of the people. A century and a half later, Thomas Jefferson called it "the best school of political liberty the world ever saw."

All the people in a town could come to town meeting and could speak there; but not all could vote. At the base of society in every town was a class of "cottagers," or squatters, who were permitted to live in the place "at the town's courtesy only," as the records of one village phrased it, and who could not acquire land there, or claim any legal right to the use of the town "commons" for pasture. Servants whose term of service was up, and strangers who drifted into the town as day laborers, usually passed at first into this class. The people in a town who held full town citizenship were known as "inhabitants." A "cottager," however worthy, or a new settler of even the gentry class, could be "admitted inhabitant" only by vote of the town. In practice, the "inhabitants" of a town included all its gentlemen and industrious artisans and freeholders, many of whom never secured the colonial franchise. Thus the town government in Massachusetts was more democratic than the central government. The body of citizens was more extensive, and the citizens acted directly, not through representatives. This town democracy, too, touched the life of the people at more points, and at more vital ones, than did the central government.

### AN ATTEMPT AT ARISTOCRATIC THEOCRACY

In England the High-churchmen had reproached the Low-churchmen with secretly being Separatists. The Low-church Puritans repelled the charge indignantly, and, to prove their good faith, joined vehemently in denouncing the Separatists.

Thomas Hooker was one of the greatest of the Puritan clergy. Before he came to America, while a fugitive in Holland, he was called a Separatist; but he claimed to have "an extreme aversion" to that sect, and he wrote, "To *separate* from the faithful assemblies and churches in England, as no churches, is an error in judgment and a sin in practice."

But even this vehement protest left a loophole, not uncharacteristic of much Puritan sophistry, in the cautious injection of the word "faithful." And when the Massachusetts Puritans reached the New World they found themselves more in accord with the despised Separatists than they had thought. Much of the change seems to have come on the Atlantic, where the eight or ten weeks' voyage, and the daily preaching, invited men to find out just where they did stand. At all events, very soon they did separate wholly from the English Church, refusing even to recognize its ordination of clergymen. On the other hand, they did not separate the church from the state, as Plymouth did, nor did they make one congregation wholly independent of another in matters of church government. They wished to use the state to preserve their religion and church discipline. Winthrop declared that their purpose in coming to America was "to seek out a place of cohabitation under a due form of government both civil and ecclesiastical." To keep this union of state and church they adopted three distinct devices: (1) they gave the franchise only to church members; (2) they allowed no churches except those approved by the government; (3) they referred many political questions to the clergy assembled in synods.

The Massachusetts leaders, in their own favorite phrase, aimed to build "a city of God on earth." They believed it possible to do this by setting up an aristocratic theocracy—a government by their best, to rule according to the law of God. But that noble experiment had peculiar dangers. These same leaders were too likely to be sure that they were the "best," and that they had been granted peculiar insight as to just

what was that law.<sup>7</sup> Their plan was certain to degenerate into bigotry and persecution. It has taken the world much longer to learn that no body of men are good enough or wise enough to rule the minds and souls of other men.

Religious freedom was no part of the Massachusetts program. Indeed, it was fundamentally inconsistent with that program. A man like Winthrop felt that he had sacrificed home and ease in order to try out a vital social experiment, and that he could not try it fairly unless he drove out from his "City of the Lord" all those who differed from him. He and his friends had come to the wilderness not so much to escape persecution (of which few of them stood in danger) as to find a freer chance to build their ideal state and church where there should be none to hinder; and they did not mean now to let intruders mar their work.

Accordingly, the Massachusetts government assumed power (beyond its charter authority) both to refuse unwelcome immigrants and also to expel troublesome minorities that grew up among the old settlers. In the first fall after Winthrop's arrival, two "gentlemen" from England came to Massachusetts by way of Plymouth. They were introduced by Miles Standish; "but," says Winthrop, "having no testimony [i.e., evidence of religious standing], we would not receive them."<sup>8</sup> Then,

<sup>7</sup> The shrewd temporal rulers in early Massachusetts strengthened their position by taking advantage of a popular conviction that their allies among the Puritan clergy had special ability to interpret the divine law. Nor were the ministers backward in claiming such power. Winthrop tells, with approval, how Cotton once "proved" from many texts of Scripture "that the rulers of the people should consult with ministers of the churches upon occasion of any weighty matter, though the case should seem never so clear,—as David in the case of Ziglax." In practice, the clergy in politics proved a bulwark of class rule. In every controversy between aristocracy and democracy, they found some Biblical passage which would support the aristocracy. More than once progress depended upon the appearance of a rare democratic champion among the ministers, like Ward of Ipswich at the critical moment of codifying the Body of Liberties.

<sup>8</sup> Probably these men were Separatists; and the government was cautious regarding them, because they were "gentlemen," not common men without influence.

in the following March, the Assistants shipped back to England six men at one time, without trial, merely upon the ground that they were "unmeete to inhabit here," while for years there were occasional entries in the records like the following: "Mr. Thomas Makepeace, *because of his novile disposition*, is informed that we are weary of him, unless he reform"; and "John Smith is ordered to remove himself from this jurisdiction *for divers dangerous opinions* which he holdeth."

These early "deportations" help us to understand the more famous expulsions of Roger Williams and Anne Hutchinson.

Roger Williams was one of the most powerful and scholarly of the great Puritan clergy. He had rare sweetness of temper, but, along with it, a genius for getting into bitter controversy. He was broad-minded on great questions, but he could quarrel vehemently over fantastic quibbles. The kindly Bradford could not like him and describes him as possessing "many precious parts, but very unsettled in judgment"; and again, "I desire the Lord to show him his errors and reduce him into the way of truth, and give him a settled judgment and *constancy* in the same; for I *hope* he belongs to the Lord." Eggleston hits off Williams' weakness well in saying that he "could put the questions of grace after meat and of religious freedom into the same category."

Driven from England by Laud, Williams came to Massachusetts in the supply ship in the winter of 1631. He was welcomed warmly by Winthrop as "a godly minister," but it was soon plain that he had adopted the opinions of the Separatists. He scolded at all who would not utterly renounce fellowship with English churches, and he preached against any union of church and state, holding that the magistrate had no right to punish for Sabbath-breaking or for other offenses against "the first table" (the first four of the Commandments). Only a man's church, he held, could properly dis-

cipline him in these matters. Indeed, he taught complete liberty of conscience, or "soul liberty."

Thus his welcome at Boston quickly wore thin. He went to Plymouth for a time, but soon returned to the larger colony as the pastor of Salem—which, more than any other Massachusetts town, inclined to Separatism because of its early association with Plymouth. Just at this time Salem wanted more lands. The court of Assistants paid no public attention to the request, but let it be known privately that, if the town expected the grant, it had best dismiss Williams. On his part, Williams referred to the other churches of the colony as "ulcered and gangrened," and called the clergy "false hirelings."

An opportunity soon offered to get rid of him. All land in America, he urged, belonged to the Indians until bought from them. He denied the title of the colony, and said that the king had told "a solemn lie" in the charter in claiming right to give title. Such words, unrebuked, might enbroil the little colony with the home government. The magistrates seized this excuse, and ordered Williams back to England—where the loss of his ears was the least he could expect. If he had been orthodox in religion, however, the Massachusetts government would surely have found some nominal punishment for his overzeal against the crown—as they did for Endicott, who just at this time cut the cross out of the English flag, calling it "an idolatrous symbol."

On account of the bitter winter season, the order for deportation was suspended until spring. The magistrates seem to have understood that Williams agreed meantime not to teach his troublesome doctrines. He continued to do so, however, and so an officer was sent to place him on board ship. Forewarned secretly by Winthrop, he escaped to the forest, and found his way, with much suffering, to the Narragansett Indians. The next spring a few adherents joined him; and the little band founded Providence, the beginning of Rhode Island.

Williams had few followers, and was easily disposed of. The Hutchinson episode divided the colony for a time into not unequal parts; and the majority, to maintain their tottering supremacy, resorted to dubious political devices. Anne Hutchinson is described by Winthrop (who hated her) as a woman of "ready wit and bold spirit." She was intellectual, eloquent, and enthusiastic. The real offense of this early feminist seems to have been her keen contempt for many of the ministers and her disrespect toward the magistrates, but she did also hold religious views somewhat different from the prevailing ones. She spoke much of an "inner light," and this phrase was twisted into a claim that she enjoyed special revelations from the Holy Spirit. At one time, however, Winthrop confessed, "Except men of good understanding, few could see where the differences were, and indeed they seemed so small as (if men's affections had not been formerly alienated . . .) they might easily have come to a reconcilliation." For a time Boston supported her with great unanimity, but the majority in all the other churches was rallied against her.

Among Mrs. Hutchinson's adherents were the minister Wheelwright, and young Harry Vane, governor at the time (later, famous as the leader of the Long Parliament in England). In the winter of 1637, Wheelwright preached a sermon declaiming violently against the ministers of the opposing faction. For this the next General Court (in March) "questioned" him, and voted him "guilty of sedition," in spite of a lengthy petition from Boston for freedom of speech. The majority adopted also a shrewd maneuver. To lessen the influence of heretical Boston, they voted to hold the approaching "Court of Elections" not at that town as usual, but at Newtown (Cambridge). When that Court assembled, in May, "there was great danger of tumult." "Those of that side," says Winthrop, "grew into fierce speeches, and some laid hands on others; but seeing themselves too weak, they grew quiet." The orthodox faction finally elected Winthrop

over Vane, and even dropped three magistrates of the other party off the Board of Assistants. To prevent the minority from receiving expected reinforcements from England, it was then decreed that newcomers should not settle in the colony, or even tarry there more than three weeks, without permission from the government. Then, when a few weeks later a brother of Mrs. Hutchinson arrived with many friends, Winthrop compelled them to pass on at once to the New Hampshire wilderness.

In the following summer a synod of clergy solemnly condemned the Hutchinson heresies; and at the General Court in November the majority, "finding that two so opposite parties could not contain in the same body without hazard of ruin to the whole," determined to crush their opponents. Mrs. Hutchinson and Wheelwright were banished after a farcical trial, and "a fair opportunity" for destroying their party was discovered in Boston's petition, *nine months old*, for free speech. The three Boston deputies, because they had "agreed to the petition," were expelled from the Court and banished from the colony. Six other leading citizens were disfranchised. The remaining signers, seventy-six in number, were disarmed. (Fifty-eight of them lived in Boston; the rest, scattered in five other towns.) The Court pretended to justify this outrage by referring to the excesses of the Munster Anabaptists of a century earlier: "Insomuch as there is just cause for suspicion that they, as others in Germany in former times, may, *upon some revelation*, make a suddaine irruption upon those that differ with them," runs the preamble of the disarming order, with a sly dig at Mrs. Hutchinson's "revelations."

And now Boston church was brought back into the fold. Taking advantage of the temporary absence of twelve more of the leaders of the congregation, Cotton and Winthrop succeeded in browbeating the cowed and leaderless society into excommunicating Mrs. Hutchinson. Says Winthrop, after telling the story: "At this time, the good providence of God

so disposing, divers of the congregation (being the chief men of that party, her husband being one) were gone to Narragansett to seek out a new place for plantation." This assumption of divine help in a political trick is the most unlovely sentence Winthrop ever penned.



Soon the Massachusetts leaders were engaged in other cruel persecutions. The hundreds of Episcopalians and Presbyterians in the colony, even when men of property, were not only excluded from all political rights but were also compelled to attend service in the established Puritan churches. Repeated petitions for relief from this tyranny were contemptuously refused. A law of 1644 ordained banishment for any one who spoke openly or secretly against the prevailing doctrine regarding baptism. The next year the House of Magistrates unanimously passed a bill for punishment by the courts of all whom the churches might excommunicate as heretical in any way, but the majority of the House of Deputies refused to concur. This opposition from the democratic part of the government is notable, futile though it proved. A few years later, when such a bill finally won, through the united influence of clergy and magistrates, nearly half the deputies inscribed their names in an honor roll of protest on the margin of the Records.

Now persecution became more vile. Winthrop and Cotton, neither of them an inquisitor by nature,<sup>9</sup> passed from the scene in 1649 and 1647, and leadership in state and church fell from their hands to those of the stern and uncompromising Governor Endicott and the gloomily bigoted Reverend John Norton and piously savage John Wilson. Then, in the summer of 1651, two Baptists from Rhode Island came to Boston

<sup>9</sup> On his deathbed Governor Winthrop refused an urgent request by Endicott that he sign an order for banishing a certain heretic, saying sadly that he had too much of such doing upon his soul already—so at least Hutchinson's *History* relates.

to visit and commune with a member of their church there who was too infirm to travel to them. These visitors were promptly arrested, convicted of heresy, and sentenced to a heavy fine or to be whipped. One of them protested against the decree, since the Body of Liberties (page 86) provided that no man should suffer penalties except by virtue of some express law, and the only law against Baptists merely prescribed banishment; but Endicott, the presiding officer, told the protestor angrily that he deserved death, and the Reverend John Wilson struck and cursed him in the name of Jesus.

One of the convicted men refused to pay his fine or to allow any one to pay it for him. So the barbarous sentence was executed—thirty strokes, well laid on, with a three-thonged whip, on his bare back. As he left the whipping post, dripping with gore, two bystanders offered comfort, but were themselves arrested and sentenced to the same penalty. Even as late as 1666, when some Baptists tried to set up a church of their own in Boston, instead of attending the established church, the courts rebuked sternly this "high presumption against the Lord" and punished the offenders by heavy fines and imprisonment. The more brutal persecution of Quakers belongs to a later chapter of our story.

In all this persecution the Massachusetts Puritans were not behind their age: they merely were not in advance of it. In England the Puritan Long Parliament in 1641, demanding reform in the church, protested that it did not favor toleration: "We do declare it is far from our purpose to let loose the golden reins of discipline and government in the church, to leave private persons or particular congregations to take up what form of divine service they please. For we hold it requisite that there should be throughout the whole realm a conformity to that order which the laws enjoin."

But on the other hand, a few far-seeing men did reach to loftier vision. In that same year, Lord Brooke wrote nobly

in a treatise on religion: "The individual should have liberty. No power on earth should force his practice. One that doubts with reason and humility may not, for aught I see, be forced by violence. . . . Fire and water may be restrained; but light cannot. It will in at every cranny. Now to stint it is [tomorrow] to resist an enlightened and inflamed multitude. . . . Can we not dissent in judgment, but we must also disagree in affection?" So, too, Sir Richard Saltonstal, one of the leaders of the 1630 migration. Saltonstal's company settled Watertown, which from the first was inclined not only to democracy in politics but to "separatism" in religion. (Indeed, it seems probable that resentment by the town at certain interference by the magistrates with their pastor was back of the famous Watertown Protest regarding taxation; page 78.) Saltonstal remained in the colony less than two years, but nearly twenty years later (1650) he wrote from England to leading Massachusetts clergy a touching protest against religious persecution.

Reverened and deare friends, whom I unfaynedly love and respect: It doth not a little grieve my spirit to heare what sadd things are reported dayly of your tyranny and persecutions in New England—as that you fyne, whip, and imprison men for their consciences. . . . Truly, friends, this your practice of compelling any in matters of worship to do that whereof they are not fully persuaded, is to make them sin . . . and many are made hypocrites thereby. . . . We . . . wish you prosperity every way [and pray] that the Lord would give you meeke and humble spirits, not to stryve soe much for uniformity as to keepe the unity of the spirit in the bond of peace. . . .<sup>10</sup>

<sup>10</sup> This extract does very imperfect justice to the tender charity of Saltonstal's long letter. With the answer (a masterpiece of Puritan sophistry) the document is printed in Hutchinson's *Collection of Original Papers*, whence both letters are reproduced in West's *Source Book in American History*.

The Lord Brooke quoted above planned at one time, with his friend, Lord Say to settle in Massachusetts. The lack of religious freedom was one reason why that plan was abandoned. Afterward the same two noblemen sought to establish a colony in the valley of the Connecticut, where Saybrooke was named for them.

Too commonly we impute all this persecution to Puritanism. But Brooke and Saltonstal were Puritans as truly as were Winthrop and Endicott. Not Puritanism, but the Massachusetts plan of a theocratic state, must take the blame. Meanwhile, another Puritan, Roger Williams, was making soul-liberty the foundation of *his* social experiment in Rhode Island.

## CHAPTER V

### OTHER NEW ENGLAND COLONIES

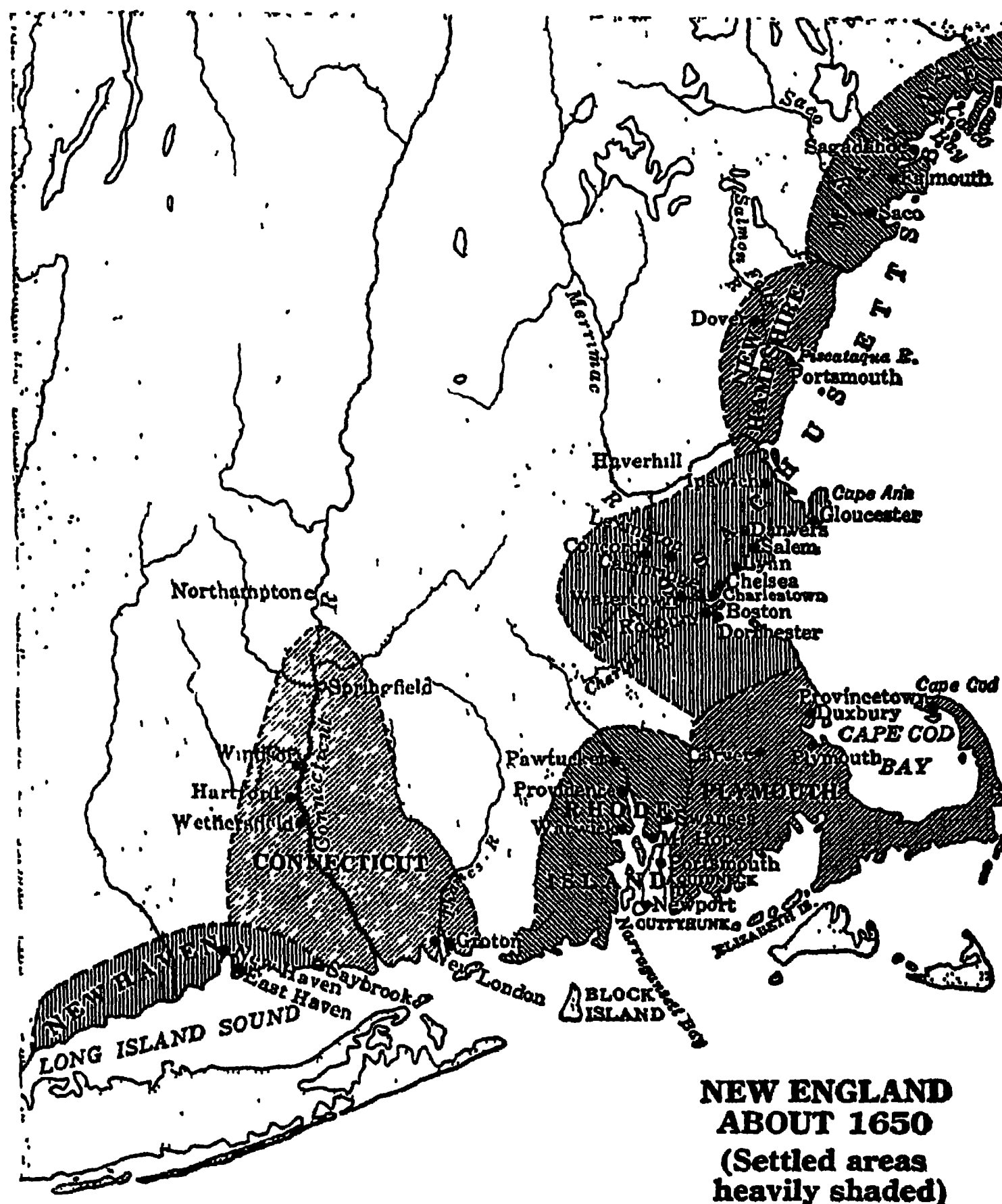
**B**Y 1640, there were five colonies in New England besides Plymouth and Massachusetts. English proprietors had founded fishing stations on the coasts of Maine and New Hampshire, and these settlements had been reinforced and Puritanized by Hutchinson sympathizers from Massachusetts. The New Haven group of towns began with a Puritan migration from England in 1638. This colony closely resembled Massachusetts, but it had a little less aristocracy, and depended a little more on the Old Testament as a guide in government.

The two remaining colonies, Rhode Island and Connecticut, represented new ideas and played new parts in history. Each was born of rebellion against one part of the Massachusetts ideal: Rhode Island, against theocracy; Connecticut, against aristocracy. In the long run the great Massachusetts plan of aristocratic theocracy broke down; while these two little protesting colonies laid broad and deep the foundations of America. Roger Williams in Rhode Island was the apostle of modern religious liberty, and Thomas Hooker in Connecticut was the apostle of modern democracy.

#### RHODE ISLAND

Williams founded the town of Providence in the spring of 1636 (page 95). From the Indians he bought a tract of land, and deeded it in joint ownership to twelve companions "and to such others as the major part of us shall admit into the same fellowship." Later comers signed an agreement to submit themselves "only in civil things" to orders made for the public

good by the town fellowship—in which they were freely granted an equal voice. “Civil” in this passage is used in its common English sense in that day, as opposed to “ecclesiastical.” The point to the agreement is that the people



did *not* purpose to let the government meddle with religion. Williams' opinion upon the possibility of maintaining civil order without compelling uniformity in religion is set forth admirably in his figure of speech, comparing a state to a ship, where all, passengers and seamen, must obey the captain in

matters of navigation, though all need not attend the ship's prayers.

No opportunity was lost to assert this doctrine. In 1644, Williams secured from the Long Parliament a "Patent" authorizing the Rhode Island settlements to rule themselves "by such a form of *civill* government," and to make "such *civill* laws and constitutions" as the majority might prefer. Then, in 1663, when the colony received its first royal charter, the fundamental idea was made yet more explicit:

"Whereas it is much on their hearts," says a preamble, quoting the petition of the colonists, "to hold forth *a livelie experiment* that a most flourishing civill state may stand . . . with a full libertie in religious concernments," accordingly, "noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinionone in matters of religion, and [i.e., provided he] doe not actually disturb the civill peace."

The *practice* of the colony, too, kept to this high level. During the Commonwealth in England, Massachusetts complained that Rhode Island sheltered Quakers, who then swarmed across her borders to annoy her neighbors. Williams disliked Quakers heartily, but he now replied that they ought to be punished only when they had actually disturbed the peace, and not merely for being Quakers. "We have no law," ran this noble argument, "to punish any for declaring by words their minds concerning the ways and things of God." Massachusetts threatened interference. The smaller colony appealed to England, praying, "Whatever fortune may befall us, let us not be compelled to exercise power over men's consciences." In Rhode Island, religious freedom was not a mere means to timorous toleration. The chief purpose of this social "experiment" was to prove such freedom compatible with orderly government and good morals. For a time there was much turbulence in the colony. Providence became a "crank's paradise," "New England's dumping ground for the

disorderly and eccentric elements of her population." But with clear-eyed faith Williams and his friends persisted and finally worked out successfully their "livelie experiment"—to react, in time, on America and the world.

One school of writers has had much to say about the broad toleration of Plymouth colony, a trifle to the depreciation of Rhode Island initiative. And it is true there were no whippings or hangings there for difference of opinion, but even that Pilgrim colony did not quite "leave unstained what there they found—freedom to worship God." The government made it uncomfortable for dissenters from their own particular brand of dissent, and as usual, too, the leaders were less tolerant than the plain folk. A little before 1650, when the Rhode Island experiment was only thirteen years old, its first repercussion upon public policy elsewhere reached Plymouth in the form of a motion in the General Court of the colony "to allow and maintain full and free tolerance of religion to all men that would preserve the civil peace." Says Governor Edward Winslow disdainfully, in writing an account of the proposal to Winthrop at Boston: "You would have admired to have seen how sweet this carrion (!) relished to the palate of most of the deputies." Then he continues, with restrained glee, to recount how the progressive movement failed because he (as presiding officer), by an arbitrary stretch of authority, refused to put the question. Plainly, even Plymouth had need of a Rhode Island.

## CONNECTICUT

*The birthplace of American democracy is Hartford.—*  
JOHNSTON.

Three Massachusetts towns had been foremost in the struggle against aristocracy—Watertown, Dorchester, and Newtown. In 1635-1636, the people of these towns made a new

migration to the Connecticut valley, to try their own experiment of a democratic state.<sup>1</sup>

The inspirer of this movement was Thomas Hooker (page 92.) The people of his town (Newtown), it had been remarked, "grew very jealous of their liberties" soon after accepting him for their pastor; and now he was soon to become to Connecticut even more than Cotton was to Massachusetts. These two great leaders were widely different in their lives and feelings. Cotton belonged to the aristocratic English gentry. Hooker's father was a yeoman. He himself had been a menial "sizar" at Cambridge University, and his wife had been a ladies' maid. By birth and association, as well as by conviction, he was a man of the people.

Over against the aristocratic doctrines of the great Massachusetts leaders, Hooker stated admirably the case for democracy. Winthrop wrote to him that democracy was "unwarrantable" because "the best part is always the least, and of that best part the wiser part is always the lesser"; but Hooker replied: "In matters . . . that concern the common good, a general council chosen by all, to transact business which concerns all, I conceive . . . most suitable to rule and most safe for the relief of the whole." Winthrop and Cotton taught that the magistrates' authority had divine sanction. Hooker, in his greatest political sermon, taught that (1) "the foundation of authority is laid in the consent of the governed"; (2) "the choice of magistrates belongs to the people"; and (3) "those who have power to appoint officers, have also the right to set bounds to their authority."

For a time the three Connecticut towns kept their Massachusetts names. Later, they were known as Hartford, Wethersfield, and Windsor. From the first, each town managed

<sup>1</sup> Other motives, to be sure, had part in the movement—among them, a desire for the more fertile land of the valley. The two weeks' journey through the forests, with women and children, herds, and household goods, was the first of the overland pilgrimages which were to become so characteristic of American life.

freely its own local affairs, and, in 1639, a central government was provided by a mass meeting of the inhabitants of the colony. This gathering adopted a set of eleven "Fundamental Orders"—"the first written constitution" in the modern sense. The document set up a plan of government similar to that which had been worked out in Massachusetts, emphasizing, however, all democratic features found there and adding a few of its own.

The governor held office for one year only, and he could not serve two terms in succession. He had no veto, and in two other respects he lacked authority usually possessed by an English executive: (1) the General Court could not be dissolved except by its own vote; and (2) it could be elected and brought together, on occasion, without the governor's summons. The right of the General Court is expressly asserted to "call into question" magistrate or governor, and even (in modern phrase) to "recall" them during their short term of office.

The franchise was never restricted to church members, as in Massachusetts. At first, anyone whom a town allowed to vote in town meeting could vote also in the General Court of Elections. That is, the towns fixed not only the local, but also the general franchise. But in 1659 the General Court ordered that thereafter no one should vote for governor or for members of the General Court unless he were possessed of thirty pounds' worth of property, real or personal. Even in democratic Connecticut this property qualification stood, with slight change, until long after the American Revolution.

One of the most scientific American historians, in a recent and deservedly famous work, refers to the Connecticut secession from Massachusetts as due to religious differences—like the Rhode Island withdrawal. But Hooker believed in a Bible Commonwealth as zealously as Cotton did, and it was only on *political* matters that the two understood their Bible differently, at least in any serious degree. Certainly Con-

necticut did not in theory reject theocracy, though in practice her democracy may have lessened her theocratic leanings. The Fundamental Orders required that the governor be a member of a church; the preamble stated the first purpose of the government to be the maintaining of "*the discipline of the churches, which according to the truth of the gospell is now practiced amongst us*"; and the first code of laws, in 1650, authorized the government "to see [that] the force, ordinances, and rules of Christe bee observed in every Church according to his word." Indeed, the General Court placed ministers, defined their powers, and even decided who should be admitted to the sacraments.

### THE NEW ENGLAND CONFEDERATION

The New England colonies had hardly established themselves in the wilderness before they began a movement toward federal union. The Connecticut valley was claimed by the Dutch New Netherland. Moreover, the English settlers in the valley found themselves at once involved in war with the Pequod Indians. Connecticut felt keenly the need of protection by the other English colonies; and, in 1637, Hooker (present at Boston for the synod that condemned Mrs. Hutchinson) proposed to Massachusetts a federal compact. For the moment the negotiations fell through because of states-rights jealousy. Much as Connecticut feared Dutchman and Indian, she feared interference in her own affairs hardly less, and hesitated to intrust any real authority to a central government. But, in 1643, commissioners from Massachusetts, Connecticut, New Haven, and Plymouth met at Boston, and organized the New England Confederation.

Rhode Island and the New Hampshire towns asked in vain for admission. The leaders of Massachusetts were wont to refer to Rhode Island as "that sewer"; and regarding the exclusion of New Hampshire, Winthrop wrote: "They ran a

different course from us, both in their ministry and civil administration . . . for they . . . had made a tailor their mayor and had entertained one Hull, an excommunicated person, and very contentious, to be their minister."

The date (1643) suggests an important relation between English and American history. The union of the colonies without sanction from England was really a defiance of authority. But war had just broken out in England between King Charles and the Puritan Long Parliament. Accordingly, the colonies could excuse themselves (as they did) on the ground of necessity, since the home government was temporarily unable to protect them; while really they were influenced still more by the fact that it could not interfere. The preamble to the Articles states all other motives for the union admirably, but, naturally, it omits this last consideration.

The Articles of Confederation established "a firm and perpetual league." For matters of common concern, a congress of eight commissioners, two from each of the four colonies, was elected annually. These commissioners had "full power from their severall Generall Courtes respectively" to determine upon war or peace, divide spoils, admit new confederates, and to manage "all things of like nature, which are the proper concomitants or consequents of such a Confederation for amity, offence, and defence, *not intermeddling with the Government of any of the Jurisdictions*, which . . . is reserved entirely to themselves." The vote of six commissioners was to be final in all matters; but if in any case six could not agree, then the matter was to be referred to the several colonial "Courts" for negotiation between them. Special provision was made for the surrender of fugitive criminals or "servants" escaping from one colony to another and for arbitration of differences that might arise between any two colonies of the union.

This document compares well with the constitution of any earlier confederation in history. Its weak points were com-

mon to all previous unions. The greatest difficulty arose from the fact that one of the confederates was much larger than the others. Each of the three smaller colonies had about three thousand people: Massachusetts alone had fifteen thousand. Consequently, she bore two-thirds of all burdens, while she had only a fourth share in the government. The Bay Colony made an earnest demand for three commissioners, but the smaller states unanimously resisted the claim.

Under these conditions, Massachusetts became dissatisfied, and in 1653 she "nullified" an important order of the commissioners that seemed to her unfair. After that the federal government was at best only an advisory body; and it disappeared altogether when two of the four constituent commonwealths had been absorbed in others (pages 120, 124).

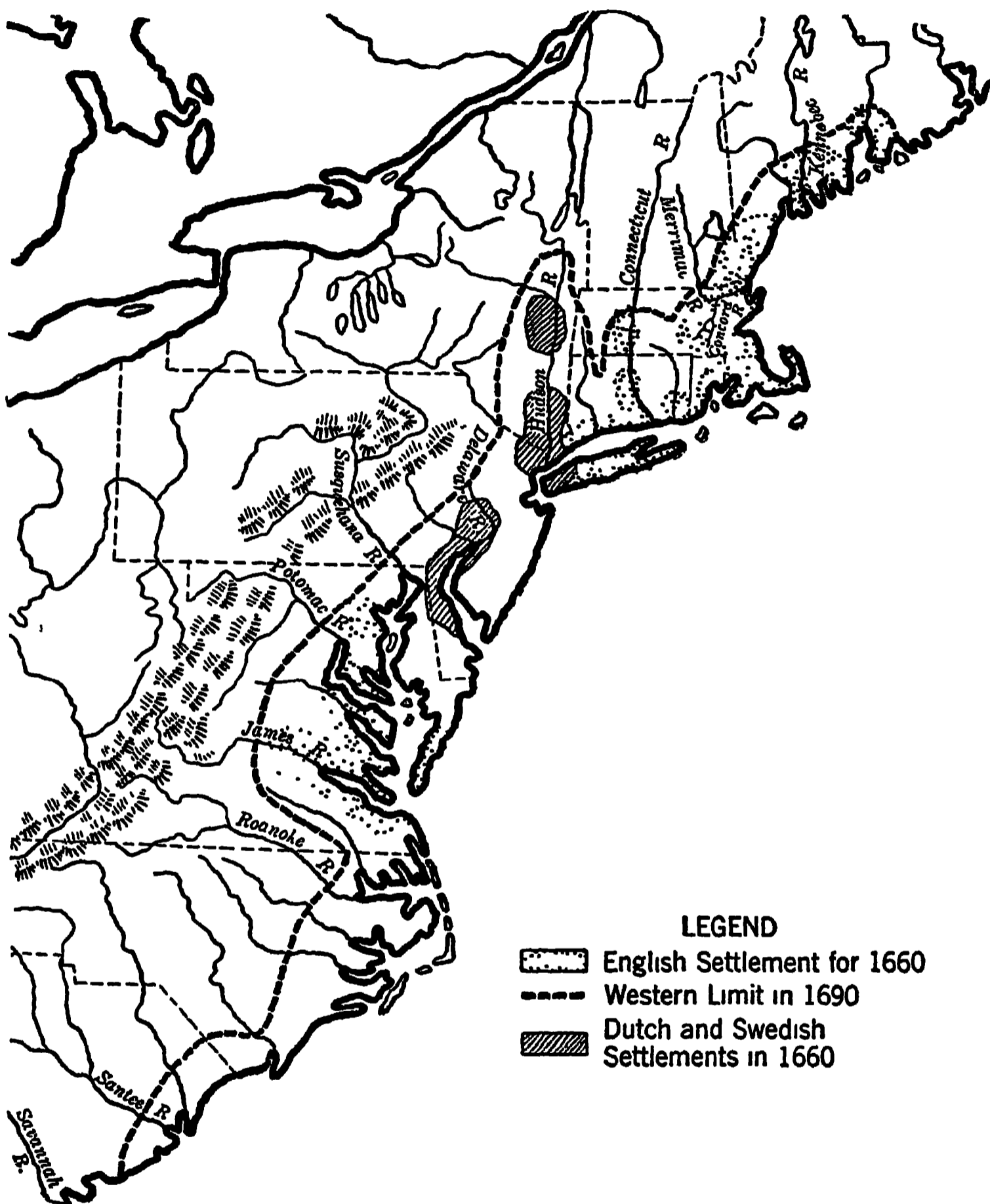
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## Part Two

### Colonial America

*During the thirty years, 1660-1690, the viewpoint shifts for our study. Until 1660 the colonists had been Englishmen, establishing themselves on outlying and scattered frontiers. By 1690 they had become Americans—though still colonial Americans, dependent on England partly from custom and affection and partly from need of protection.*

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English in America, 1660-1690

## CHAPTER VI

### THE STRUGGLE TO SAVE SELF-GOVERNMENT, 1660-1690

THE years 1660-1690 witnessed a vast expansion of territory for English America. In 1660 the English held two patches of coast—one, about the Chesapeake; the other, east of the Hudson. The two districts were separated by hundreds of miles of wilderness and by Dutch and Swedish possessions, and for more than twenty years no new English colony had been founded. Thirty years later the English colonies formed an unbroken band from the Penobscot to the Savannah. To the south of Virginia the Carolinas had been added (1663); to the north of Maryland appeared the splendid colony of Pennsylvania (1681); while New York, New Jersey, and Delaware had become English by conquest. All the colonies, too, had broadened their area of settlement toward the interior, and population had risen from 60,000 to 250,000.

This transformation, from isolated patches of settlement into a continuous colonial empire, brought home to English rulers the need of a uniform colonial policy. Charles I had had a "Colonial Council," but it exercised little real control. In 1655, when Cromwell took Jamaica from Spain, one of his officials drew up certain "Overtures touching a Councill to bee erected for foraigne Plantations," suggesting also various measures to make the colonies "understand . . . that their Head and Centre is Heere." After the Restoration, Charles II incorporated much of the document in his "Instructions" to a "Council for Foreign Plantations," which was succeeded by the "Lords of Trade" and in 1696 by the "Board of Trade and Plantations."

This Council was instructed to study the state of the plantations and the colonial policies of other countries; to secure copies of the colonial charters and laws; and to seek out "means for rendering the dominions useful to England and England helpful to them." In particular it was to endeavor "that the severall collonies bee drawn . . . into a more certaine, civill, and uniform waie of Government and distribution of Publick Justice, in which they are at present scandalously defective." During the period that we are now considering, the Council was hard-working, honest, and well-meaning, but it was ignorant of affairs in the colonies and out of touch with the people that it was trying to rule. It strove to get three results: uniformity and economy in colonial administration, better military defense, and new commercial regulations.

The trade regulations between a European country of that day and its colonies were based on the Mercantile theory—the mistaken conception about wealth held then by all thinkers, and still persisting with many modern statesmen. According to that theory in its crudest form, real wealth consisted only of gold and silver, and a country could get rich only by mining those metals or by selling for them more goods than it bought. If a French farmer purchased a useful farm horse from across the German frontier for twenty pieces of silver, then France was poorer, and Germany richer. That the trade might enrich *both* parties had not been glimpsed.

This false idea about trade gave rise, of course, to false ideas as to the value of colonies. Most desired were colonies with mines of precious metals. Aside from that, an English writer of the seventeenth century summed up the matter thus: "I conceive no foreign Plantation should be undertaken but in such countreys that may increase the Wealth of this nation, either in furnishing us with what we are otherways forced to

purchase from Strangers, or else by increasing such Commodities as are vendible abroad."

Colonies, then, were valuable (1) as a source of goods not produced at home, and (2) as a sure market for home products. Accordingly, each colonizing country adopted "navigation acts" to restrict the trade of its colonies to itself. By modern standards, all these were tyrannical and absurd, but it is only fair to acknowledge that the English system was more enlightened, and far less harsh, than that of Holland or France or Spain—the last of which has been briefly outlined on pages 6, 7 above. English statesmen did not strive avowedly, or consciously, merely to benefit the home island at the expense of the plantations, but rather to make home country and plantations mutually helpful, so that the empire as a whole might be self-supporting—independent of the rest of the world industrially. In some measure, too, they believed in this tariff "protection" for the industries of the empire as a means toward military protection—like American statesmen such as Clay and Calhoun just after the War of 1812.

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The English system really began with a law of the Long Parliament in 1651. But the Puritan Commonwealth and Protectorate was tender of offending the commercial Puritan colonies, and this law was not enforced. It became the model, however, for a new law in the year of the Stuart Restoration, and the system is usually dated from that so-called "First Navigation Act of 1660."

The original purpose of that law of 1660 was to increase the shipping of the empire. Most European goods, and even most English goods, were being carried to the English colonies by Dutch vessels. England's navy had sunk low. But the safety of the island and of her colonies rested upon command of the seas. In that day, trading vessels were easily turned

into war vessels—merely by adding sailors to the crew and mounting more guns—and to build up a merchant marine was a natural measure for naval protection. Accordingly, this law provided that all trade between England and the colonies should be carried only in ships owned, and, for the most part, manned, by Englishmen *or colonials*,—"ships which truly . . . belong to the people of England or Ireland . . . or are built of and belonging to *any of the said Plantations or Territories* . . . and whereof the master and three-fourths of the mariners at least are English." (This word "English" was specifically defined to include colonials, by a supplemental Navigation Act two years later.)

This part of the Act was highly successful. Holland's carrying trade, and her naval supremacy, received a deadly blow. Nor did this part of the law discriminate against the colonies. Rather it directly benefited them, especially the northern ones. Temporarily, trade may have suffered somewhat from lack of ships, and from consequent high freights, but the Act created the great shipbuilding industry of New England. In less than twenty years the colonies were selling ships to England. By 1720, Massachusetts alone launched 150 ships a year, and the shipbuilders of England were petitioning parliament, in vain, for protection against this invasion upon their ancient industry. In 1760, a third of all ships flying the British flag were American-built, and a large part were American-owned. Massachusetts then had a ship of her own for every hundred inhabitants. The carrying trade of the empire also passed largely into the hands of New Englanders, and this trade was protected by the English war navy, to which the colonists contributed only a few masts from their forests.

A second part of the law (added at the last moment by amendment) somewhat restricted *exports*. Sugar, tobacco, cotton-wool, ginger, and dyewoods were thereafter to be carried from a colony only to England or another English colony.

These "enumerated articles" were all semi-tropical. Tobacco was the only one produced for export at that time on the continent of North America,<sup>1</sup> and for the restriction on tobacco, England gave an offset: she forbade her own citizens to raise tobacco, or import it from foreign colonies, so giving Virginia and Maryland a monopoly of her market.

The *import* trade was first restricted by the Navigation Act of 1663. Thereafter, it was ordered, all European goods must pass to the colonies only through English ports. This Act was designed to keep colonial trade from falling into the hands of other countries. It increased the trade of English merchants; but, to guard the colonists against paying double taxes, a rebate of the English import duties was allowed on all goods reshipped for the colonies.

This was as far as the system went until after 1690. The subtropical colonies could export their products only to England or other English colonies; all imports to all colonies must come through England; all ships in the colonial trade must be English or colonial. A New England ship could still carry the furs, fish, oil, lumber, and rum of the northern colonies to any part of the world, exchange for goods there, carry these goods to England, and then "reship" them for an American port, or exchange them for other European goods in the English markets, to be then carried to America. It was of this system, so far as here described, that Dr. Channing declared many years ago (*United States of America*, 82): "It is impossible to say whether the net result was in favor of Great Britain or the colonies." (The more oppressive navigation acts of the next century will be treated in chapter seven.)

<sup>1</sup> American students find it hard to remember that the navigation laws were adopted mainly with a view to the English West Indies, not with regard to the colonies that grew later into the United States. In 1697, Jamaica alone had more commerce with England than all the continental colonies together north of Virginia, while the West Indies, Maryland, and Virginia (the sugar and tobacco colonies) had seven times as much English trade as all the other colonies.

## NEW ENGLAND, 1660-1690

At his accession in 1600, Charles II found himself beset with accusations against the Massachusetts government. To-day the chief interest centers in those pertaining to the persecution of Quakers in that colony. Members of that sect had appeared there first in 1656. Four who persisted in returning after banishment had been hanged, and several others, women among them, had been flogged brutally. Quakers in England complained to Charles, and in 1660 he ordered the colony to send all imprisoned Quakers home for trial. But the men of Massachusetts, firmly resolved to permit no appeals from their own courts, chose rather to empty the jails and drop the persecution.

The decent feeling of the mass of Massachusetts people had already practically put an end to the death penalty. Five Quakers had been condemned to death. But Governor Endicott had secured the last two convictions only by brow-beating judges and juries, and at each execution a force of soldiers had been necessary to prevent a rescue. The decree of death against the fifth man was never carried out, because of this popular feeling. Afterward a milder persecution was renewed—with the king's approval. Quakers were liable to imprisonment and flogging in all the colonies except Rhode Island, as well as in England.

These Quakers, of course, were not the quiet, sober brethren of later times. Many of them were half-mad fanatics. But this excuse has been overworked by admirers of Massachusetts. Perhaps it *was* a little hard, as Lowell says, to know what to do with a woman who persisted in interrupting your honored minister in his sermon, calling him Priest of Baal, and breaking empty bottles over his head (in sign of his emptiness), or who "bore conclusive evidence to the Fall of Man by walking up the broad aisle of the meeting-house in a costume which

that event had put forever out of fashion." None the less, the four executions remain a bloody blot on the fame of Massachusetts. Nowhere else was a death penalty inflicted by law, and nowhere else did the Quakers become so extremely troublesome. As Roger Williams was wise enough to see at the time, it was persecution (in part at least) that *made* them fanatics.

So far as the king was concerned, other deeds of Massachusetts seemed still more heinous. He was particularly irritated at learning that the colony had usurped the sovereign right of coining money (the famous "pine-tree shillings"); that it refused to permit the members of the Church of England within its borders to practice the worship of the national church; and that it openly flouted the Navigation Act of 1660. A blunt resolution of the General Court in 1661 defiantly styled that law "an infringement of our rights."<sup>2</sup>

For the time, however, Charles contented himself with demanding that an oath of allegiance be taken in Massachusetts; that the Episcopalian service be permitted; and that the franchise be extended to all men "orthodox in religion and of competent estate." The colony complied with the first demand, ignored the second, and evaded the third. An act of the General Court did provide that a non-church member might be made a freeman, if his good character were testified to by the minister of his town and if he paid a ten-shilling "rate" (local tax). But the Puritan ministers gave few such certificates to those outside their own folds, and few men were then called upon to pay ten shillings in a single rate. So the number of freemen did not much increase.

<sup>2</sup> Even this was less daring than the language (and acts) of the English settlers in the Barbados, whose Assembly in that same year told the English parliament that it had no right to tax them since they had no representatives in parliament. The Barbados resolution, indeed, threatened forcible resistance to any attempt at enforcement of the law, declaring, "Wee will not alienate our selves from those old heroick virtues of true Englishmen to prostitute our freedome (to which wee are born) to the will of anyone."

Connecticut, New Haven, and Rhode Island had never had authority from England to set up governments, nor indeed had their inhabitants ever secured titles to their lands that were good in English law. Now that order was restored in England, something had to be done about these matters, and the three colonies promptly sent agents to England to secure royal charters.

Connecticut and Rhode Island were successful almost beyond belief. They were left with self-government nearly as complete as before. In neither colony did the crown appoint the governor or any other important official. This remarkable liberality was due partly to the careless good nature of Charles in the early portion of his reign, partly to an enthusiasm among English officials just then for the colonies, and partly, perhaps, to a willingness to build up other New England governments so as to offset the stiff-necked Bay Colony. All that the Massachusetts charter had become—this and more these new charters were from the first. Based as they were on the petitions of the colonial governments, and even adopting the language of the petitions, they made the settlers of each colony a “corporation upon the place” and sanctioned democratic self-government. With good reason they were cherished and venerated. At the time of the Revolution they received the name of constitutions, and they continued in force, without other alteration, in Connecticut until 1818, and in Rhode Island until 1842.

A glance at the map on page 103 shows sufficient reason why New Haven and Connecticut should not both receive charters. The question was which should swallow the other. New Haven used little diplomacy in her negotiations, and possibly she was too much of the Massachusetts type to find favor in any case. Her territory was included in the Connecticut grant. This began the process of consolidation which was soon to be tried on a larger scale.

Friction with Massachusetts continued. Episcopalians there complained still that for thirty years they had been robbed of civil and religious rights. So, in 1664, Charles sent commissioners to regulate New England and to conquer New Netherland from the Dutch—with whom England was at war. In their military expedition the commissioners were entirely successful. Connecticut, Rhode Island, and Plymouth then recognized their authority cordially, and even permitted them to hear appeals from colonial courts; but Massachusetts still gave them scant welcome.

The matter of appeals was a chief point in the commissioners' instructions, because appeal to the English courts was to be the means of enforcing royal authority. The men of Massachusetts were sternly resolved not to yield the point. After weeks of futile discussion, the commissioners announced a day when they would sit as a court of appeals in Boston, but at sunrise on that day, by order of the Massachusetts magistrates, a crier, with trumpet, passed through the town, warning all not to recognize the court. No citizen ventured to disobey the stern Puritan government, and the baffled commissioners returned to England in chagrin.

There they at once recommended that Massachusetts be deprived of its charter. But the next year the victorious Dutch fleet was in the Thames. Then came the great London fire and the plague. The Colonial Board did repeatedly order Massachusetts to send an agent to England to arrange a settlement, but the colony procrastinated stubbornly, and for ten years with success. In 1675, however, a great Indian outbreak, known as King Philip's War, weakened Massachusetts. Just at this time, too, Charles, entering upon a more despotic period at home, began to act more vigorously toward the colonies, and in 1684 the Court of the King's Bench declared the charter of 1629 forfeited and void. This decision made Massachusetts a royal province.

The Lords of Trade, too, had now decided that to have so many independent governments "without a more immediate dependence upon the crown" was "prejudicial" to England's interest. Accordingly, they drew up a plan for the union of Massachusetts, Plymouth, and the Maine and New Hampshire towns, under one royal governor-general. They would gladly have included Connecticut and Rhode Island in the plan, and so consolidated all New England into one province, but the recent charters stood in the way, and, unlike Massachusetts, these colonies had given no excuse for legal proceedings against them.

Still, when Charles died in 1685, James II forced the consolidation, in spite of the charters. He appointed Sir Edmund Andros governor-general of all New England, and instructed him to set aside the governments of Connecticut and Rhode Island by force. The original plan of the Lords of Trade had provided one elected legislature for New England. James also struck out this clause, leaving the government despotic as well as unified,—despite the declaration of the attorney-general in England that the colonists had the right "to consent to such laws and taxes as should be made or imposed on them." James, too, once more extended the territory to which the plan should apply. He was already proprietor of New York and New Jersey (page 134), and these colonies were soon united with New England under the rule of Andros,—half of English America without a shadow of self-government.

Andros was a bluff, hot-tempered soldier. He was commander of the soldiery he brought with him and of the militia, and, with the consent of an appointed council, he was authorized to lay taxes, make laws, administer justice, and grant lands. His management of military affairs was admirable, and he saved New England from serious Indian danger, though the colonists gave him scant credit. In other matters, naturally, he clashed violently with the settlers. To the bitter

wrath of the Puritans, he insisted that Episcopalian services should be held on at least part of each Sunday in one of the Boston churches until an Episcopalian church could be built. Land titles, too, were a fruitful source of irritation. In granting lands, the colonies had paid little attention to the forms of English law or to proper precaution against future confusion. Andros provided for accurate surveys, compelling old holders to take out new deeds, with small fees for registration; and there was a real grievance in his accompanying policy of treating all "common land" as crown land.

More serious was the total disappearance of self-government and even of civil rights. Andros ordered the old taxes to be continued. Some Massachusetts towns resisted; and at Ipswich a town meeting voted that such method of raising taxes "did infringe their liberty as free-born English subjects." The offenders were tried for "seditious votes and writings," not before the usual courts, but by a special commission. The jury was packed and was browbeaten into a verdict of guilty, and leading citizens who had dared to stand up against tyranny were imprisoned and ruinously fined.

This absolute government lasted two years and a half. Massachusetts was getting ready to rebel, but under ordinary conditions a rising would have been put down bloodily. Thanks to the "Glorious Revolution" of 1688 in Old England, the rising when it came was successful and bloodless. In April, 1689, Boston learned that James II was a fugitive. The new king, William of Orange, had issued a "Declaration," inviting all boroughs in England, and all officials unjustly deprived of charters and positions by James, to resume their former powers. The colonists assumed that this sanctioned like action by them also. The people of Boston and neighboring towns seized a war vessel in the harbor, imprisoned Andros, and restored the charter government. Connecticut and Rhode Island also revived their former charters.

William III would have been glad to continue part of the Stuart policy in America. He wished, so far as possible, to consolidate small jurisdictions into large ones, and to keep the governor and judges in each colony dependent upon himself. The Connecticut and Rhode Island charters, however, stood in the way of a complete rearrangement of this sort, and the king's lawyers assured him that those grants still held good—since legal proceedings against them had never been completed. Massachusetts did not fare so well, for her charter had been formally surrendered. The colony strove skillfully to obtain a re-grant of the original patent,<sup>8</sup> but the best it could do was to accept a new one—which, moreover, joined Plymouth and Maine to her jurisdiction.

The "Charter of 1691" created a government for Massachusetts more like that of Virginia than like that of Connecticut. The crown appointed and removed the governor. The Assembly nominated the Council, but these nominations were valid only after the governor's approval. The governor could adjourn or dissolve the Assembly at will; and he, and the crown, held an absolute veto upon all its acts. The higher judiciary were appointed by the governor; and appeals to the king in council were provided for, in cases where the sum in dispute amounted to £300.

These four provisions, to all practical intents, made Massachusetts a royal province. Two other provisions, thoroughly praiseworthy, overthrew the old theocracy. Religious freedom for all Protestant sects was promised; and the franchise was given to all men owning land of forty shillings annual value, or possessing forty pounds in personal property. This alternative (equivalent to a \$2,000 requirement now) was a liberal

<sup>8</sup> To conciliate William, the promised reform in the franchise had at last been made effective. The certificate of a clergyman as to the applicant's fitness was not required, and the tax paying qualification was reduced from ten shillings to four. Then in a few weeks the 1,500 freemen of the colony found 909 added to their number—more than had been admitted in the preceding sixteen years!

modification of the ancient English "forty shilling" real estate qualification.

### VIRGINIA, 1660-1690

During the Commonwealth, many of the dispossessed royalist gentry of England turned their faces toward the New World—as the Puritans had done in their hour of gloom a generation earlier. At the Restoration, the royalists who were still in England expected to get back the lands they had lost; but when the great majority found themselves disappointed of this hope, the movement to America received new impetus. Practically all this emigration went to Virginia. Between 1650 and 1670, the population of that colony rose from 15,000 to 40,000, and more than half of this increase came from immigration.

This migration ranks in importance side by side with the earlier ten-year Puritan movement. It made Virginia "the land of the Cavaliers." In this period there appeared in America the ancestors of the Virginia Harrisons, Lees, Masons, Madisons, Marshalls, Monroes, Nelsons, Nicholases, Pages, Peytons, Pendletons, Randolphs, Wythes, Washingtons. These country gentry fitted easily into the rural society of Virginia, and there became an attractive and lovable set of leaders. They were somewhat less active intellectually than the Puritan leaders, less stimulated by the friction of town life and by religious controversy, and less inclined to strike out new ways in state or church. Some of them were marked strongly by the characteristics of the English horse-racing, fox-hunting, heavy-drinking squires of the time; but on the whole they were robust, dauntless, chivalrous, devout, and deeply imbued with the best tradition of the best part of England (rural England) in England's greatest century. The earlier migration to Virginia had given that colony a noble history, but it was this Cavalier immigration of the fifties and sixties which a century

later flowered into Virginia's splendid galaxy of Revolutionary patriots, and, a little later still, won for the Old Dominion her proud title, "Mother of Presidents."

The party epithets, Cavalier and Roundhead, should not blind us to the close likeness between the gentry elements in Massachusetts and Virginia. The Cavalier immigrants were not graceless, riotous hangers-on of the court, slavishly subservient to despotism, as they are sometimes pictured. They had loved liberty only a degree less than they had feared anarchy. They were men of much the same social stamp and habits of thought as the Winthrops, Hutchinsons, and Humphreys of the Bay Colony, and the Hampdens, Pymms, and Eliots in England, with whom, indeed, they had stood shoulder to shoulder for a generation of constitutional struggle before the Civil War and from whom they had separated at last with mutual grief when the great war set brother against brother.

True, the first effect of the Cavaliers on politics in Virginia was bad. In 1660 a new Assembly was elected, and the wild enthusiasm for the Restoration filled it with Cavalier hotheads. Since 1628, a new Assembly had been chosen at least once in two years; but, by an arbitrary stretch of power, Governor Berkeley (page 45) kept this unfit Cavalier Assembly alive without a new election for sixteen years—much as his royal master in England did with his unfit Cavalier Parliament. Moreover, Berkeley, in this second term, was an old man, tortured by ill-health, arrogant, peevish, vindictive—an easy tool for a ring of greedy favorites. His long administration, from 1660 to 1677, was a period of misgovernment and political reaction.

With the Restoration, governor and Council ceased to be elective. Berkeley received a commission from King Charles; and this, he felt, freed him from the restrictions the Assembly had tried to place upon him. According to the royal in-

structions, he resumed the absolute veto and the power to dissolve and call Assemblies at will.

These changes put the government back where it was before the Commonwealth. But this was not all. A law of 1670 took the right to vote from all but landowners ("freeholders"),<sup>4</sup> and in local government the loss was even more serious. The county had become the unit for choosing Burgesses and for raising and spending local taxes, and it also passed "by-laws" of considerable importance. Until the Restoration these things were done in the county court—a meeting of all free white males; but now most of these powers were transferred from the open court to a Board of eight "Justices" in each county, appointed by the governor from the more important landowners. Other men could still come to the county courts as spectators, but their political power was limited to casting a vote now and then in the election of a new Assembly.

Along with this political reaction went many other serious faults. Taxes were exorbitant, and were expended wastefully. There was much unjust "class legislation," such as the exemption of Councilors and their families from taxation. The sheriffs (appointed by the governor on the advice of the county justices) and other law officers charged oppressive fees for simple and necessary services; and the governor granted to his favorites vexatious trade monopolies.

The 40,000 inhabitants of 1670 included 2,000 negro slaves and 6,000 white bond servants. There were also several thousand ex-servants who had not acquired land and who remained as laborers on the plantations of their former masters. The

<sup>4</sup>The franchise in Virginia had been exceedingly liberal. All free white males had had votes—including former servants when their terms had expired. In 1655, indeed, a law had restricted the right to "householders," but the restriction was repealed the next year on the ground that it was "hard and unagreeable to reason that any shall pay equal taxes and not have a voice in elections."

rest of the population consisted of a few hundred large planters and a large body of small planters. Discontent was chronic in the servant class, and now the small planters also were restive. They were practically unrepresented, and they felt rightly that they were overtaxed and discriminated against. The navigation laws intensified their grievances. The temporary lack of vessels enough in the southern colonies to transport tobacco to the English market (page 116) did not much hurt the large planters, whose crops would be taken care of first; but, for a time, the small planter often found his entire crop left on his hands, or (if he shipped at all) his small profits were eaten up by the increased freights.

These conditions led to the first "rebellion" in America. The occasion was an Indian outbreak which Berkeley's inefficient government let go without check. Finally the savages ravaged an outlying plantation of Nathaniel Bacon, an energetic young planter. Bacon raised troops and punished the Indians terribly in two campaigns; but Berkeley declared the young captain and his followers rebels, because they had secured no commission for military action.

There followed an obscure quarrel over a commission extorted from the governor; and this quarrel merged into a civil war. From a valiant Indian fighter, Bacon was suddenly transformed into a popular champion and a democratic hero. Finding arms in their hands, he and his party tried to use them for social and political reform. "Bacon's Rebellion" became a rising against "special privilege." The fundamental cause was not discontent at the inefficiency of the government against the Indians, but social discontent.

Berkeley was deserted. During much of the struggle, he could hardly muster a corporal's guard. The aristocracy, however, did not join Bacon. They were too much opposed to rebellion, and too jealous toward the democratic features of the movement; so they simply held aloof from either side.

But Bacon was supported by the great body of small planters, especially in the western counties.

These sturdy, honest people were vilified, of course, especially after the failure of the rebellion, by aristocratic contemporaries. One Virginian gentleman refers to them as "Tag, rag, and bobtail." Another declared that Bacon "seduced the Vulgar and most ignorant People (two thirds of each county being of that Sorte) Soe that theire whole hearts and hopes were set upon him." Another describes the rebels as "a Rabble of the basest sorte of People whose condicion was such as by a chaunge could not admitt of worse . . . not 20 in the whole Route but what were Idle and will not worke, or such whom Debaucherie or Idle Husbandry has brought in Debt beyond hopes or thought of payment . . . who, for the Ease of the Poore, will have no taxes . . . [and] talk openly of shareing men's Estates."

When the rebellion began, popular clamor forced the governor to dissolve his fossilized Assembly. In the election of a new one, the restrictions upon the franchise were largely ignored, and a democratic body was chosen. One peevish gentleman declared, "Such was the prevalency of Bacon's Party that they chose, instead of Freeholders, Free men that had but lately crept out of the condition of Servants (which were never before Eligible) for their Burgesses." The new Assembly is known as Bacon's Assembly, and its admirable attempts at reform are called Bacon's laws. Manhood suffrage was restored; a representative Board was established in each county to act with the Justices in all matters of taxation and local legislation; the exemptions of the privileged families were abolished; fees were strictly regulated; and various minor abuses were corrected.

Bacon himself stood for an even more democratic program. Soon after the meeting of the Assembly, he held a convention of his party at "the Middle Plantation," and there issued a proclamation in the name of "the Commons of Virginia,"

signing it "Nath Bacon, Gen'l By the Consent of the People." This document denounced the group of Berkeley's favorites as "sponges" that had sucked up the public treasure, and as "juggling parasites," and declared all who sheltered them to be "traitors *to the people*."

But while Bacon was still in full tide of success, a sudden fever carried him off—and the Rebellion collapsed, for want of a leader. Berkeley took a shameful and bloody vengeance, until removed by the disgusted king. At the king's command, the next Assembly declared all "Bacon's laws" void; and so the "freehold" franchise was restored—to continue for two centuries. (In 1736 a "freehold" for voting purposes was defined to be the ownership of 100 acres of wild land, or 50 acres of improved land, or a house and lot in a town,—the house to be not less than 24 feet square. Just before the American Revolution, these requirements were cut down one half.)



Henceforth all leadership belonged to the small class of great planters. Each man of this class was not merely a country gentleman, supervising the farming of large estates. He was also a lawyer and a leader in society and in politics. He was usually one of the ruling "Justices" of his county and one of the vestry of his parish; and, if he did not sit in the governor's Council, he was pretty sure to be a Burgess—or at least to have much control in the election of one.

Something has been said above on the admirable qualities of this ruling class. One darker feature remains to be made plain. These men gave a large part of their time to the public service, and none of their offices had salaries. In time of public peril, too, they were always ready to give fortune and life freely for the public need. But in ordinary times, many of them paid themselves indirectly for their devotion to the public service by what would today be called graft. They controlled the political machinery; and they saw nothing wrong

in filling their pockets, and their friends' pockets, out of the public resources.

Taxes were paid commonly in tobacco. The "Receiver" was some one of the coterie of great planters. It was easy for him to accept from friends and other influential taxpayers a poorer grade of tobacco than he would take from a smaller planter. All tobacco so received was afterward sold for the treasury. The English government tried earnestly to have the Receiver sell at auction; but he usually managed to sell "by private arrangement"—often at a half or a third of the market value—to friends or associates.

Especially was the public land a source of private riches. Governor and Assembly readily made grants of wild land to almost any applicant; but law required the grantee to establish a certain number of settlers on each grant within ten years—one settler to every hundred acres—or the grant had to be declared forfeited. To locate and survey a tract cost somewhat, and to "settle" a large tract was impossible except to the wealthy. And the wealthiest had ways to shift this burden. In 1688, Colonel William Byrd secured a grant of more than three thousand acres. He failed to "settle" it; but he was the chief officer of the colonial landoffice, and he managed to keep back the declaration of forfeiture until 1701. Then the tract was re-granted at once to his close friend, Nathaniel Harrison, who, after a decent interval, deeded it back to Byrd for another ten years' chance to settle. Another time, Byrd got nearly six thousand acres; and having failed to settle in the ten years, he had it transferred to his son. These grants were the foundation of one of the greatest Virginia family estates. It was by so holding together and exchanging "favors" that the aristocracy maintained their power.

The small farmer in Virginia, after Bacon's failure, had only one political power: once a year or once in two years he could vote for a member of the Assembly. Elections took place at the county courts, and became social gatherings also,

with feasting and sports—wrestling, running, shooting at the mark—and sometimes with brutal rough-and-tumble fights. The speechmaking at these gatherings by rival candidates afforded no mean political training, and as large a part of the free white population came out to vote in Virginia as in New England. But the common Virginia farmer voted on a much smaller range of matters, and much less often, than the common New England farmer. The common Virginian had no voice in the many questions of local government that were discussed and settled in the New England town meeting, or any part even in choosing local officials—which was so large a part of New England politics.



After 1691, then, (page 124), the central governments of Massachusetts and Virginia grew more and more alike, but the New England town and the Virginia county grew farther and farther apart; and the influence of local government upon society was so great that Virginia as a whole grew more aristocratic, and Massachusetts more democratic. We have traced in part the development of these two types of local government, and it should be clear that the difference was largely based on the physical differences between the two colonies.

In Virginia the soil, climate, and products made it profitable to cultivate large plantations by cheap labor under overseers. One slave could care for 50 acres of tobacco, and it was not profitable to employ an overseer for less than 20 slaves. A plantation, then, had to have 1,000 acres in tobacco alone—and tobacco land had to be changed frequently or wear out. In Massachusetts, with its sterile soil, farming was profitable only when a man tilled his own ground, with at most one or two servants working under his own eyes. Hardly any New England farm contained 500 acres, while the usual Virginia plantation (after the year 1700) contained at least 5,000. In Virginia the population became scattered, while in New England

it remained grouped in little farm villages. In Virginia the people could not easily come together for effective action. The county became the political unit, and control fell naturally to the wealthy planters in small Boards. New England had no counties for some time, and then only for judicial districts. The town remained the political unit; and all the people of the town came together frequently, to take part in matters that concerned their common life. The Virginia type of local government developed the most remarkable group of leaders that the world has ever seen. The New England type trained a whole people to democracy by constant practice at their own doors, and so Americanized America.

The Middle colonies, whose story we take up in the next chapter, developed an intermediate type of local government with both towns and counties, and this mixed type became the common one in most of the West at a later day. Even in New England in recent times the town meeting has lost its vitality, through the influx of foreign population and the growth of city life. This is a serious matter. The original American democracy in the New England towns was "direct" democracy. In its original form, this can never be restored; but the training it gave remains essential to sound political life and must be sought in substitutes like the initiative, referendum, and recall (devices of direct democracy that all originated in early New England), or perhaps also in further development of our local improvement-associations, parent-teacher associations, and other new forms of group action.

### NEW COLONIES, 1660-1690

This same thirty-year period saw the number of English colonies in America doubled—from six to twelve. Soon after 1660, the beginnings of settlement were made in the Carolinas; the territory soon to be divided into New York, New Jersey, and Delaware was conquered from the Dutch; and Penn be-

came proprietor of Pennsylvania. In all these new colonies the settlers waged sturdy constitutional struggles for self-government, ignoring or opposing the proprietary claims, but we have space to speak of only two of them.

1. While New York was the Dutch New Netherland, the people had no self-government whatever. The colony was a huge plantation (like early Virginia) under the arbitrary rule of the "Director General" and his Council, appointed in Holland. There were a number of great landlords (patroons) in the colony, and, in local affairs, each patroon had feudal authority over the villages of settlers on his lands.

The only promising movement for self-government under Dutch rule came from English immigrants. Four English towns had been established on Long Island while it was claimed by Connecticut. These afterward passed under the rule of New Netherland. In 1653 a meeting of representatives from various parts of the colony was held, to demand from Director Stuyvesant a measure of self-government. This meeting was inspired by the English towns, and it was dominated by their delegates. The "remonstrance" to Stuyvesant was drawn in the English language; the signatures are largely English names; and the document contains the democratic English phrases of that day. Stuyvesant, in explaining the matter to the authorities in Holland, wrote: "It ought to be remembered that the Englishmen, who are the authors and leaders in these innovations, enjoy more privileges than the Exemptions of New Netherland grant to any Hollander,"—all of which has not saved our literature from mighty tomes designed to prove that our free political institutions were derived from Holland!

Before true representative government grew out of this agitation, came the English conquest of New Amsterdam in 1664 (page 124). King Charles gave the conquered province to his brother James, Duke of York, for whom it was renamed. The population was mainly non-English, and, as a conquered

people, it had no constitutional claim to political rights. Accordingly, the charter to James said nothing of any share by the people in the government. In spite of this, the governor, Nichols, found himself obliged to satisfy the Long Island towns by promising them privileges, "equal to those in the New England colonies," and it soon proved necessary to introduce a representative Assembly (1682).

2. Early Pennsylvania owed more to William Penn than any other colony did to its proprietor. Penn is one of the striking figures in history. Son of a famous and wealthy English admiral who had added Jamaica to England's colonies, he risked his inheritance, as well as all prospect of worldly promotion, in order to join the Quakers. Happily for the world, his resources were not taken from him after all, and he kept the warm friendship of men so different from himself as the royal brothers, Charles and James. Through this friendship, Penn was selected to help some Quaker proprietors organize the colony of New Jersey, and thereby he became interested in trying a "Holy Experiment" in a colony of his own. The Council for colonial affairs had already become jealous of proprietary grants, but James readily gave him the old Swedish settlements on the Delaware—then part of conquered New Netherland. Penn, however, wished a still freer field to work in, and soon he secured from King Charles, in consideration of a large debt due him from the crown, a grant of wild territory west of the Delaware between New York and Maryland.

Owing to geographical ignorance, the grant conflicted with those of Massachusetts and Connecticut, and still more with those of New York and Maryland. The adjustment with Maryland was not finally accomplished until 1767, when Mason and Dixon, two English surveyors, ran the boundary line that goes by their name—commonly referred to in later history as the dividing line between North and South.

Penn's charter of 1680 gave him proprietary power like that

of Baltimore in Maryland, with some limitations. Settlers were guaranteed the right of appeal from colonial courts to the king in council, and all colonial laws were to be subject to a royal veto. The Quaker colony was required to tolerate the established English church, and especial emphasis was placed upon obedience to the navigation laws.

Pennsylvania knew none of the desperate hardships so familiar in the story of earlier colonies. The wealthy Quakers of England and Wales helped the enterprise cordially and the German Mennonites poured in a large and industrious immigration. In 1687, one of the Mennonite settlements voiced the first protest in America against slavery: "Those who steal or rob men, and those who buy or purchase them,—are they not all alike? Here is liberty of conscience . . . and here ought to be likewise liberty of the body. . . . To bring men hither or to robb or sell them against their will, we stand against."

Thanks to Penn's wise and just policy with the natives, there were no Indian troubles. Population increased rapidly, and material prosperity was unbroken. By 1700 (when only twenty years old), the colony stood next to Virginia and Massachusetts in wealth and numbers. Unlike other colonies, except conquered New York, the population was at least half non-English—Welsh, Germans, Swedes, Dutch, Danes, and Finns.

Penn took no thought to extend his own powers. "The nations want a precedent for a just and righteous government," he wrote. ". . . The people must rule." And again, in a letter to a friend, "I propose . . . to leave myself and my successors no power of doing mischief—that the will of one man may not hinder the good of a whole country." To the expected settlers he proclaimed (1681), "You shall be governed by laws of your own making, and live a free and, if you will, a sober and industrious people."

Still the well-meant and liberal "Frame of Government" of 1681, granted by Penn to this excellent citizenry, was so clumsy that bitter quarrels for twenty years distracted pro-

prietor and settlers. Finally Penn substituted for that first constitution a new fundamental law, the Charter of 1701. The colonists accepted this by formal compact, and it remained the constitution of Pennsylvania until 1776. The governor was appointed by the proprietor, and had a veto upon all legislation. He was aided by an appointed Council—which body was *not* part of the legislature. Each year the people chose a one-House Assembly, with complete control over its own sittings. (The charter fixed a date for the annual meeting and provided that the Assembly should be dissolved only by its own vote.) Freedom of conscience was guaranteed to all who believed in “one Almighty God,” and the franchise was given to all who accepted Christ as the “Savior of the World” and who owned 50 acres of land or £50 personal estate. Pennsylvania was the only colony in which Roman Catholics had political rights in the eighteenth century. Rhode Island disfranchised them in 1719, and for Maryland, see page 50.

The provision for religious freedom was declared not subject to amendment. All other parts of the charter could be amended by the joint action of the proprietor and six-sevenths of the Assembly. This was the first written constitution to provide a definite machinery for its own amendment.

The “Restoration” of Charles II began a new era for the English race; but the two divisions of Englishmen on opposite sides of the Atlantic met very different fates. In England itself, the second Stuart period (1660-1688) was a time of infamy and peril. In America, it was singularly progressive and attractive—marked by two special characteristics: swift expansion of territory, and an irrepressible conflict between the natural English demand for imperial unity and the essential American demand for self-government.

During the next seventy years these characteristics of the 1660-1690 period grew ever more marked, and one new element was added—incessant war with the French and Indians.

## CHAPTER VII

### "COLONIAL AMERICANS," 1690-1765

**D**ESPITE almost continuous war with the French and Indians, the seventy-five years between the English Revolution and the American Revolution (1690-1765) were a period of marvelous prosperity. The older districts grew from straggling frontiers into rich and powerful communities, marked by self-reliance and intense local patriotism and by no small degree of luxurious living. The wealthy merchants of the coast towns and the large planters of the South ate at tables loaded with gold plate and wore imported silks and velvets heavy with gold lace. "There is no fashion in London," wrote an English visitor in 1720, "but is to be seen in three or four months in Boston." Such luxury, however, concerned only a small class anywhere, and there were large new districts where all settlers were repeating the hard and dangerous experiences of the first comers to America. The frontier moved steadily to the west, and in 1732 a new colony (Georgia) was added on the south.

Population doubled every twenty-five years—a statement of rich and vivid significance if we vision its implications: thousands on thousands of new farms for each decade, won acre by acre from the stubborn forest, each such new American home with swarming children and with its own human epic of work and daring; for older areas, constantly enlarging towns; at the ports, the busy building and cheerful launching of thousands of new fishing sloops and tall merchant ships, with the ceaseless rasp and ring of shipwright's saw and hammer along every creek and bay for hundreds of miles of coast.

This growth, too, though still largely from immigration, was making the native American element more and more

preponderant: half the 250,000 colonists of 1690 (page 113) had been born in Europe; but of the 1,600,000 of 1760 only a third had been born in the Old World.



And the Old World reinforcement was now largely non-English. The main element of this kind came from South Germany—where, during the wars of Louis XIV, victorious French armies completed the ruin begun earlier by the expulsion of the Protestant subjects by their native rulers. Survivors from this persecution and foreign devastation began to arrive in America about 1690. They settled mainly in New York and the Carolinas and especially in Pennsylvania—where many of their quaint Old World customs survive, almost unchanged, among the “Pennsylvania Dutch” of today. To this colony alone came more than 100,000 German Protestants between 1700 and 1775.<sup>1</sup>

A much smaller but highly notable contribution to American blood, due likewise to religious persecution, was made by Huguenots driven from France by the bloody dragoonades of Louis XIV. These fugitives came mainly to the Carolinas, but some of them settled in New England, New York, and Virginia. The services of their sons in Massachusetts alone are suggested by the names Paul Revere, Peter Faneuil, and James Bowdoin.

To the same seventy years belongs a mighty Scotch-Irish immigration, exceeding even the German in numbers and significance. These newcomers were really neither Scotch nor Irish, but mainly Saxon English in blood, though there had been some admixture with Celts in both their older homes. For

<sup>1</sup> There may be danger of a false conclusion from these impressive figures. We must remember that, before this German immigration began, the original 25,000 Puritan settlers of 1640 had multiplied to some 150,000, and before 1700 to at least 750,000. More important still, before 1700, New England and Virginia had already *shaped*, in large measure, the course of future colonial growth.

centuries their fathers had lived in the Scottish Lowlands as frontiersmen against the Celtic Scots of the Highlands. Then, in the reigns of Elizabeth and James they had colonized northeastern Ireland—victorious frontiersmen again against the Celtic and Catholic Irish. But after 1690, English navigation laws crushed their linen manufactures, the chief basis of their prosperity, and English laws against Irish Catholics bore heavily also upon these Presbyterian dissenters from the English church. So, about 1700, with hearts embittered toward England, they began once more to seek new homes—this time in America.

To understand the meaning of the Scotch-Irish in American history, we must first grasp the significance of the new “West” of this same period—for it was now that the frontier first became a distinct section in American life.

Our first frontier was the tidewater region, reaching fifty miles, perhaps, up navigable streams. But by 1660, in places, settlement was growing fairly dense and towns had arisen at the mouths of rivers and on good harbors—Boston, Portsmouth, Providence, New Haven, New York, and Baltimore.<sup>2</sup> By that time, however, a second thin frontier had pushed farther up the streams, about a hundred miles, to the foothills of the Appalachians. Water power was abundant there, and during the second half-century (or by about 1700), a new line of towns grew up at the “fall line”—Pittsfield, Trenton, Richmond, Raleigh, Columbia.

So far, the moving frontier had always kept in touch with settled areas, but just beyond this “fall line” rose rugged, forest-clad mountains. By 1770, hunters and pioneer farmers were pushing over the first range of these into the long, narrow, north-and-south valleys that lay between the Alleghenies and the Blue Ridge. Here appeared our third frontier—with a hundred miles of tangled wilderness between it and the

<sup>2</sup> Philadelphia and Charleston, similarly situated, grew up later, of course, because of the later founding of Pennsylvania and Carolina.

nearest outposts of the settled areas. For these pioneers to bring supplies from the East, or to send back products in trade, was as hard as for the first settlers on the coast to trade with England. Here, then, began our first true "West," and for long the dominant element among its settlers was this new American type.

The Scotch-Irish came to America mainly through the ports of Philadelphia in the north and Charleston in the south. The volume of this immigration swelled rapidly, amounting, from 1720 to 1750, to an average of some 12,000 a year. Much of it stopped in the settled areas, but a steady stream passed on directly to the mountains and over them. Reaching the Appalachian valleys in the far north and south, the two currents drifted toward each other, until they met in the Shenandoah valley in western Virginia. And thence, just before the American Revolution, under leaders like Boone and Robertson, they began to break through the western wall, to make a fourth frontier at the western foothills and farther west, in what we now call Kentucky and Tennessee. Until about 1850, the Scotch-Irish were the typical American frontiersmen, especially in the great Middle West and Southwest. They showed a marvelous power, also, to assimilate other elements that mingled with them—German, French, Welsh, and even the real Irish and real Scotch, when these came, in small numbers, just before the Revolution. They have furnished, too, many leaders to our national life, such as Andrew Jackson, and "Stonewall" Jackson, Horace Greeley, Jefferson Davis, Patrick Henry, William McKinley, Woodrow Wilson. In numbers and in significance, these Presbyterian English of the West rank in our nation-making alongside the Episcopalian English of Virginia and the Congregational English of New England.

Unlike the country east of the mountains, the new "West" had its real unity from north to south. Politically, it is true, the settlers were divided under different governments by the old-established colonial boundary lines, running east and west;

but, from New York to Georgia, the people of the frontier were one in race, religion, and habits of life—hard, dogged farmers, reckless fighters and hunters, tall and sinewy of frame, saturnine, restless, dauntless of temper. Other immigrants to the New World had forced themselves into the wilderness, for high reasons, with gallant resolution, *against* natural inclination (page 73). But these men loved the wild for itself. Unorganized and uncaptured, armed only with ax and rifle (in the use of which weapons they have never been excelled), they rejoiced grimly in their task of subduing a continent. First of American colonists, too, did they in earnest face away from the Old World in their thought, and begin to look west toward the glorious destiny of the new continent.

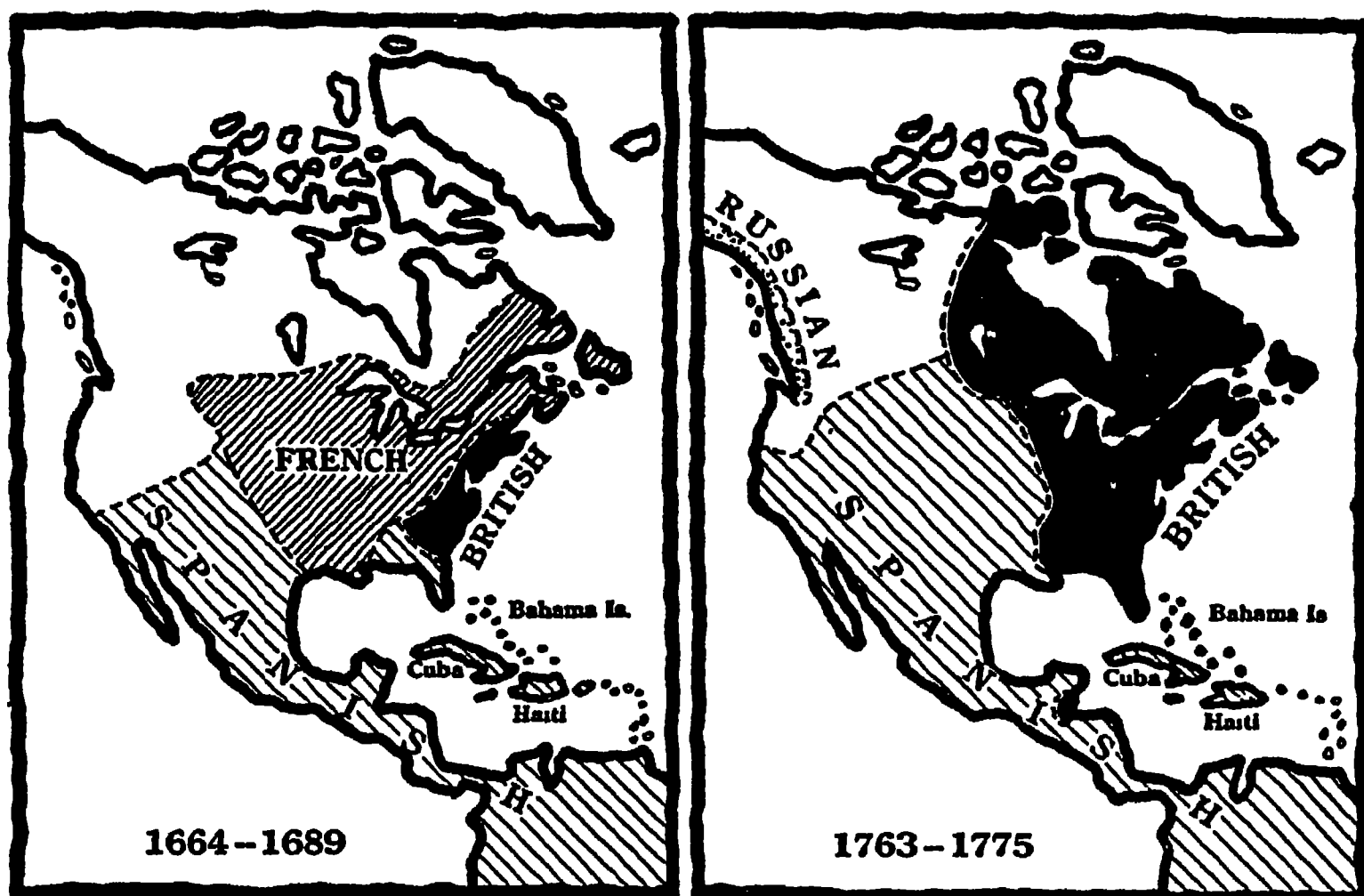


From 1689 to 1763, with only short pauses for breath, France and England wrestled for the splendid prize of the Mississippi valley. This incessant war with the French and their dread red allies made a somber background for all other movements in the English colonies. It was never for a moment to be forgotten by the daring frontiersman who shifted his home in search of better and cheaper land or by the Assemblyman who wrangled with a royal governor for larger self-government.

The military struggle was conducted, for the most part, on European fields; but at bottom the conflict was not determined on the battlefield. Two systems of colonization were at war in America, and free individualism won over despotic centralization (page 12). The English system had not only made more populous colonies: it had also made those colonies more interested in defending themselves against foreign conquest. A French governor could wield effectively all the resources of New France—though this advantage was offset in part by the corruption that always threatens such a system—while, among the English, dissensions between colony and colony, and, within



a given colony, between governor and Assembly, many times cost dear. But in the long run, the autocratic governor proved no match for the democratic town meeting. Had the French ever succeeded in seizing Boston, they could never have held it—not even as long as King George did a few years later. On the other hand, the English needed only one decisive victory. For, despite the noble patriotism of a few great French leaders, the mass of French colonists had too little political activity to care greatly whether their master was called King Louis or King George, provided only they were treated decently.



European Possessions in 1689 and in 1775

The closing chapter of the struggle was "The Great French War" of 1754-1763. England's command of the seas made it impossible for France to send Montcalm the reinforcements he pled for; and Wolfe's victory at Quebec thrust France forever out of the continent. By the final treaties of 1763, England received Florida from Spain, and Canada and the eastern half of the Mississippi valley from France. The rest of the valley France ceded to her ally Spain. North America was left to the vigorous English commonwealths and to

decaying Spain, with a dividing line, temporarily, at the great central river. The continent was destined to be English in speech and civilization.



In internal development the seventy years of our colonial life from the English Revolution to the American Revolution have been called "a forgotten half-century." There are no brilliant episodes, no heroic figures, and no new principles. Much was done, however, in extending institutions already established. The central theme is the continuance of that inevitable conflict that appeared in the preceding period. Under the pressure of ceaseless war, England felt, even more keenly than before, the need of controlling her colonies, while the colonies, realizing dimly their growing strength, felt more and more their right to regulate their own affairs.

The projects of the English government to strengthen its influence in the colonies had two phases, commercial and political.

1. Several new Navigation Acts extended England's old commercial policy. To the "enumerated articles" to be exported only through the home country (page 117), rice was added in 1706, and copper, beaver skins, and naval stores in 1722. England, however, offered bounties on copper, pitch, tar, flax, hemp, cordage, and masts sent to herself; and so this legislation had little effect on American industries.

But a new sort of interference was more serious. In 1696 parliament forbade any colony to export (even to England or to another colony) any cloth manufacture, and in 1732 the exportation of hats was forbidden.

Cotton cloth was then little known anywhere, its place being taken by linen or hemp. The cloth most used in the colonies was a coarse serge or linsey-woolsey (a mixture of hemp and wool). This was "homespun." It was spun and woven in the

home, almost always only for the family use. After 1700, however, manufacturing shops began to appear—several looms under one roof, with weavers giving time regularly to the work. An English governor of New York warned English manufacturers that such shops in the Long Island towns were turning out “excellent serge that any man may wear.” The fashionable hats worn by Englishmen and Americans were made from beaver skins—so that “a beaver” became slang for “a hat.” Since the skins all came from America, the manufacture of hats had become an important industry in the northern colonies.

These two laws, then, were not really “navigation” laws: they were not meant to regulate commerce but to restrict manufactures, so that more colonists might have to buy manufactured articles from England. Bad as this was, however, the restriction, so far, was indirect. No colony had been forbidden to make any article for its own people to use or buy. But just this was to follow. In 1750 the building or use of iron mills was prohibited altogether—and the few iron mills in the colonies had to shut down.

The colonists continued to extract iron from the ore and to “cast” it into “pigs” and “bars.” England was glad to buy it in these crude forms (to work up into manufactures), and she even encouraged its production by arrangements equivalent to paying bounties. The law, therefore, did not forbid “casting” the molten ore. So colonial iron furnaces still cast kettles and pans, and the farmers and blacksmiths still bought from the furnaces iron rods, out of which to shape, on their own forges, their spikes, nails, hoops, wagon-tires, hoes, horse-shoes, and other simple implements.

But when every allowance has been made, these English laws of 1696, 1732, and 1750 were selfish and sinister. There was not even such excuse for them as for the earlier navigation acts. The motive now was plain jealousy and greed on

the part of English manufacturers who wanted to compel the colonists to buy English products. Such restrictions would have become crushingly harmful had the colonists continued longer under English rule, and at the time they fully deserved the condemnation visited upon them by the English economist, Adam Smith: "Those prohibitions are only impertinent badges of slavery, imposed upon [the colonies] without sufficient reason by the groundless jealousy of the manufacturers in the mother country." (Unhappily, the colonists seem to have felt aggrieved quite as much by the well-intended, if not always tactful, efforts of England to preserve American forests from careless and greedy destruction, and to prevent the issue of dishonest colonial paper money.)

A source of justifiable irritation, too, was the "Sugar Act" of 1733, imposing duties on sugar and molasses from "foreign plantations" so high as to prevent the colonists from getting these articles any longer from the French West Indies, except by smuggling. The purpose of the law was to compel the colonies on the continent to buy their sugar from another English colony, Jamaica, where the sugar planters were in financial distress. Those planters, however, were largely non-resident capitalists. Indeed, the law was suggested by a Boston merchant who owned plantations in Jamaica. Some score more of the planters were English gentlemen who were also members of the parliament that voted this relief to their own pocketbooks.

2. Attempts by the English government at closer political control first took the form of efforts to make colonies into royal provinces. For sixty years Virginia had been the only royal province. In 1685, New York was added to this class, when its proprietor became king. William III, at the opening of his reign, made Massachusetts regularly a royal government (page 124), and, by a stretch of authority, he cut off New Hampshire from Massachusetts and gave it also that kind of

government. Then came a series of attempts to change *all* colonies into royal provinces. In the remaining charter and proprietary colonies the Board of Trade found many just grounds for complaint. Besides the old offenses (evasion of navigation laws, refusals to permit appeals to England, and discrimination against the English Church), the Board was annoyed by Rhode Island's stubborn persistence in a shameful trade with pirates; by the refusal of Connecticut to let royal officers command her militia in war against the French; and by the absence in Pennsylvania and New Jersey of all militia. Experience had shown that English courts could not safely be depended upon to annul colonial charters, and so, in 1701, the Board recommended in a strong paper that the eight charter and proprietary governments be "reunited" to the crown *by act of parliament*; but the Whig party in England had great respect for charters and for vested rights, and the movement came to nothing.

The government then fell back upon the early policy of William III, and attacked colonial grants one by one, as occasion offered. Before 1730, by taking advantage of a legal flaw, a serious disorder, or the willingness of an embarrassed proprietor to sell, it added New Jersey and North and South Carolina to the list of royal provinces. Out of the last named, Georgia was carved for a proprietary province a little later, but it, too, soon came under a royal government. Down to the Revolution Maryland and Pennsylvania remained proprietary, and Connecticut and Rhode Island remained "corporate" colonies.

This common distinction, however, between royal, proprietary, and charter colonies is not of great consequence. Connecticut and Rhode Island did keep their right to elect all branches of their government. Pennsylvania, though not classed as a charter colony, possessed, through its grant from Penn, the next freest constitution, in the security of its legislature from interruption. Massachusetts, with its second

charter, had less valuable privileges, resembling a royal province in all practical respects. The really important thing about the colonial governments was not these trivial differences: it was their resemblances. All had representative Assemblies, with no small degree of control over their governors, and all had the private rights of Englishmen—jury trial, free speech, freedom from arbitrary imprisonment—which were not then found in the colonies of any other country.

The other most important step in the new colonial policy was the attempt to free royal and proprietary governors from dependence upon colonial Assemblies. Even in a royal province, the governor often showed little desire to carry out English instructions that conflicted with colonial views. Partly, this was because the governor, living in close touch with the colonists, was likely to see their side of the case; but more commonly it was because his salary depended upon his keeping up a good understanding with the colonial legislature. Every governor, in the words of a colonist, had "two Masters, one who gives him his commission, and one who gives him his Pay." If the Assembly passed a bill distasteful to the home government, the governor could veto it; but the Assembly might then cut down his salary, or leave it altogether out of the vote of supply—which, according to good English custom, was always the last business of the session. To free the governors from this dependence upon the popular will, the English government tried for many years, in vain, to secure from the Assemblies a standing grant for such salaries. In 1727, Burnet, governor of Massachusetts, laid before the Assembly his instructions to secure from that body a fixed grant of £1,000 a year. Refusal, he said, would be taken by the king as "a manifest mark of undutiful behavior." On the other hand, a Boston town meeting bluntly called upon the Assembly "to oppose any bill that may in the least bear upon our *natural rights* and charter privileges, which, we apprehend, the giving

in to the king's instructions would certainly do." Burnet was popular, as well as able; and the Assembly voted him not £1,000, but £1,700, *for one year*. The governor indignantly refused to be "bribed" into proving false to his instructions. The Assembly raised their offer, still in vain. For three years the struggle continued. Then a new governor, in want of money, petitioned the crown to allow him to receive the annual grant temporarily. The English government assented, and Massachusetts had won.



To the credit of the monarchs, no attempt was made, in this long contest, to suppress any colonial Assembly. Indeed, while the English government did in some respects extend its powers in the colonies, still the Assemblies also made substantial gains. Everywhere the elected Houses claimed the powers and privileges of the English House of Commons. Especially did they get more control over finances. After long struggles, they shut out the appointed Councils from any authority over money bills (just as in England the House of Lords was no longer permitted to amend or reject bills of supply), and, in each colony, they created a Treasurer, not appointed by the governor, but elected by the Assembly.

This step grew out of an earlier practice of occasionally making the Speaker of the Assembly the guardian of funds appropriated for some particular purpose. Sometimes an Assembly encroached upon the authority of the royal governor even further, by turning over executive functions to commissions appointed by itself. In this appearance of new officers alongside the governor, we have the germ of the character of our later state executives in America—several heads (governor, auditor, treasurer, etc.), each independent of the others. This is by no means the only case where a movement essential to liberty in one era has burdened later times with an unsatisfactory heritage.

Private rights, too, were more clearly defined. With the approval of the crown lawyers, the doctrine was established that the Common Law of England, with all its emphasis on personal liberty, was also the common law of the colonies even without express enactment. And at least one advance was made in the colonies over English custom in the matter of personal liberty: a greater safety for a free press.

In 1735, a tyrannical governor of New York removed the chief justice of the colony from office for personal reasons. John Zenger, in his *Weekly Journal*, published vigorous criticism of this action, declaring that it threatened slavery to the people. Zenger was prosecuted for criminal libel. In England at that day such a prosecution, backed by the government, was sure of success. In New York the new chief justice, too, showed a determination to secure a conviction. He tried to limit the jury to deciding only whether Zenger was responsible for the publication (a matter not denied), reserving to himself the decision whether the words were punishable. This was the custom of English courts in such cases to a much later period. But Zenger's lawyer in a great speech argued that public criticism is a necessary safeguard for free government, and that, to prevent the crushing out of a legitimate and needed criticism, the jury in such a trial must decide whether the words used were libelous or true. This cause, said he, is "not the Cause of a poor Printer alone, nor of New York alone," but of "every free Man on the Main of America." He called upon the jury to guard the liberty "to which Nature and the Laws of our Country have given us the Right,—the Liberty of exposing and opposing arbitrary Power (in these parts of the World at least) by speaking and writing the Truth." "A free people," he exclaimed bluntly, "are not obliged by any Law to support a Governor who goes about to destroy a Province." The jury, amid wild rejoicings, declared Zenger "Not guilty." Gouverneur Morris afterward styled this ac-

quittal "the morning star of that liberty which subsequently revolutionized America."

The whole constitutional conflict outlined in this chapter was one of the chief preparations for the Revolution; and the training secured by the colonists in these struggles explains the skill with which they waged the long opposition to George III, from 1760 to 1775, before the contest became open war. The English historian, Doyle, says of the period 1690-1760: "The demands made upon the colonists, [and] the restrictions imposed upon them, were often in perfect conformity with equity and reason. [But] it can seldom be said that the method of enforcement [by England] was sympathetic, or even intelligent. . . . The temper of mind, the habits of thought and action [in the colonies] which made successful resistance possible [at the time of the Revolution] had their origin in these disputes, which had kept alive an abiding spirit of bitterness and vindictiveness between the colonists and those set in authority over them, and had furnished the former with continuous training in the arts of political conflict."

## CHAPTER VIII

### COLONIAL CIVILIZATION

IN 1775, almost precisely halfway between the founding of Jamestown and the present day, the American colonies began the long war that finally made them an independent nation.

Before we pass to that separation from England, it remains to gather up a number of topics vitally related to colonial life, which have not fitted into our brief chronological story. Some of these have to do mainly with peculiarities due to existence on a distant frontier; some belong essentially to the age.

#### PURITAN CHARACTERISTICS

Much colonial legislation goes under the name of Blue Laws. The term signifies either *undue severity* in punishing ordinary crime, or *unreasonable interference* with personal liberty. In the first sense—that of bloody laws—the colonists could not be blamed by Europeans of their day. Everywhere, life was still harsh and cruel, but American legislation was more humane and rational than that of England or France. True, many barbarities did survive. The pillory and whipping post, with clipping of ears, were in universal use. As late as 1748, a Virginia law required every parish to have these instruments ready, and suggested also a ducking stool for “brabbling women.” Prison life was unspeakably foul and horrible. Death was the penalty for many deeds not now considered capital crimes in any civilized land; and many punishments seem to us ingeniously repulsive, such as branding for robbery or other crimes. (In nearly any part of the world outside New England, the Hester of Hawthorne’s *Scarlet Let-*

*ter* might have borne the insignia of her shame, not worked upon her dress, but burnt upon her flesh.) When the colonies were growing up, there were over fifty offenses punishable with death in England, and this number increased to about two hundred before the "sanguinary chaos" was reformed in the nineteenth century, but not more than eighteen offenses were ever "capital" in New England. Virginia did run the number up to twenty-seven, but in large part this was due to her cruel slave laws, which were rarely enforced.

In the second meaning of Blue Laws—that of inquisitorial legislation—New England comes in for just criticism. Not that she was much worse than the rest of the world even in that. Today, as a rule, legislation aims to correct a man's conduct only where it directly affects other people, but in that day, all over Christendom, the state tried to regulate conduct purely personal. This was because state and church were so closely connected. In Virginia, the colonial law required attendance at church, and forbade traveling on Sunday. In the Puritan colonies such legislation was more minutely vexing—and more rigorously enforced.

However, the most common specific charges against New England are wholly false. It is still widely believed that in Connecticut the law forbade a woman to kiss her child on Sunday; that it prohibited playing on "any instrument of music except the drum, trumpet, and jewsharp"; and that it required "all males" to have their hair "cut round according to a cap." These "laws" are merely the ingenious vengeance of a fugitive Tory clergyman (S. A. Peters), who during the Revolution published in England a *History of Connecticut*. The veracity of the Reverend Mr. Peters may be judged from other items in his *History*. He pictures the inhabitants of a Connecticut village fleeing from their beds, mistaking the croaking of an "army of thirsty frogs" (on their way from one pond to another) for the yells of an attacking party of French and Indians, and he describes the rapids of the Con-

necticut River thus: "Here water is consolidated without frost, by pressure, by swiftness, between the pinching, sturdy rocks, to such a degree of induration that an iron crow [bar] floats smoothly down its current!" This quaint book contains a list of forty-five alleged "Blue Laws." Some are essentially correct, and most have *some* basis in fact; but a few are the mere malicious inventions mentioned above, and it is by these almost alone that the "code" is generally known.

Soon after 1650, there began a slow decay in Puritanism. The historian Freeman complained that students of history go wrong because they think that "all the Ancients lived at the same time." Nor have all the Moderns lived at the same time. It is essential to see the colonist of 1730 or 1700 as a different creature from his great grandfather of 1660 or 1630. Even in the first century in Massachusetts, the three generations had each its own character. The first great generation of founders (the leaders, at least) were strong, genial, tactful men, broadened by European culture and by wide experience in camp and court, and preserving a fine dignity, sometimes even tender graces, in their stern frontier lives. Their Puritanism was sometimes somber, but rarely petty. It was like the noble Puritanism of Milton in his youth—the splendid enthusiasm of the "spacious Elizabethan days," sobered and uplifted by moral earnestness and religious devotion. Winthrop and Cotton and their fellows, who had left ancestral manor houses to dwell in rude cabins for conscience' sake, lived an exalted poem day by day in their unfaltering conviction of the Divine abiding within them and around them. But their children could not easily rise to this height. As early as 1646, the Massachusetts General Court laments the desecration of the Sabbath by "youths and maydes" "uncivilly walkinge in the streets and fields . . . and otherwise misspending that precious time"; and in the records of Watertown for 1669 we read: "It was agreed that the selectmen shall take their

turnes, every man his Day, to site upon the Gallary to looke to the youthes . . . in the time of publike exercises on the Lords Days, and that the two Constables shalbe desired to take their turnes to site there also."

Grown to manhood, these sons and grandsons of the founders laid aside frivolity, it is true, and became somber and stern, but they show Puritanism in the sere. The necessities of frontier life made them nimble-witted, inquisitive, pushing, better able than their fathers "to find their way in the woods" and to rear crops and children under New World conditions. But the unceasing struggle and petty privations (theirs not by choice now, but by compulsion) made their lives harsh and unlovely and bitter. Most of the finer thought and broad outlook of the first generation fell away, and they had never felt its splendid self-sacrifice. Faith gave way to formula; inspiration was replaced by tradition and cant. The second generation lost the poetry out of Puritanism; the third generation began to lose the power. Much that is vital to man always remained. Puritanism continued to teach the supremacy of conscience with emphasis never excelled in religious movements, and, in its darkest period, sweet and gentle lives sometimes blossomed out of it. But before 1700 it showed a great decline.

That decay was associated with a marked increase in gloom in New England life. Gloom had been an incident of Puritanism in its best day: now it became so dominant as to distort religion. The damnation scene of Wigglesworth's *Day of Doom* was long the most popular "poetry" in New England. Two extracts may indicate its character for literature and for thought:

They cry, they roar, for Anguish sore,  
And gnash their Tongues for horror:  
But get away without delay;  
*Christ pities not your Cry.*  
Depart to Hell: there you may yell  
and roar eternally.

God's direful Wrath their bodies hath  
Forever immortal made . . .  
And live they must, while God is just,  
That He may plague them so.

Among these "damned," over whose fate the poet gloats in this way, he is careful to include all unbaptized infants as well as

civil honest men,  
That loved true Dealing and hated Stealing,  
Nor wronged their brethren,

but whose righteousness had not been preceded by "effectual calling," in the grotesque phrase of the time. To modern ears this seems comic. But men of that day preferred Wigglesworth's ghastly doggerel to Milton, and, as Lowell says with biting satire, the damnation scene was the "solace" of every Puritan fireside.

Another phenomenon connected with the fanaticism of Puritanism in its worst age was the "Salem witchcraft madness" of 1692. Throughout the seventeenth century, all but the rarest men believed unquestioningly that the Devil walked the earth in bodily form and worked his will sometimes through men and women who had sold themselves to him. These suspected "witches"—usually lonely, scolding, old women—were objects of universal fear and hate. In Switzerland, Sweden, Germany, France, Great Britain, great numbers of such wretches were put to death, not merely by ignorant mobs, but by judicial processes before the most enlightened courts. In England, in 1603, parliament sanctioned this Common Law process by a statute providing the penalty of death for those who should have "Dealings with evill Spirits." This law remained on the English statute books until 1735; and in 1711, Jane Wenham was convicted under it of "conversing with the Devil in the shape of a cat." Later still, during the presidency

of George Washington, Germany witnessed a legal execution for witchcraft. In Virginia, Grace Sherwood was "swum for a witch" in 1705, and, since the "pure element" refused to keep her—that is, since she was not drowned—the jury voted to hang her; but she escaped through the enlightened doubts of the gentry justices. In the more progressive Pennsylvania, the most that could be secured from a jury was a verdict against an accused woman of "guilty of haveing the Common fame of a witch, but not guilty as She stands Indicted." In Maryland a woman was executed on the charge of witchcraft. But most of the American persecutions occurred in New England. Connecticut executed eleven witches, and about as many more suffered death in Massachusetts before 1690. Then came the frenzy at Salem, and within a few months twenty were executed, while the prisons were crammed with many scores more of the accused. The clergy took a leading part in the prosecutions; and the hideous follies of the trials are almost incredible. While the madness lasted, the flimsiest accusations were equivalent to proof. One neat woman had walked some miles over bad roads without getting herself muddy: "I scorn to be drabbled," she said. Plainly she must have been carried by the Devil! And so "she was hanged for her cleanliness."

Finally the common sense of the people awoke, and the craze passed as suddenly as it had come. With it closed all legal prosecution for witchcraft in New England, rather earlier than in the rest of the world, but the atrocities of the judicial murders crowded into those few months stand a lasting, and needed, warning against popular frenzies.

In the early eighteenth century the old domination of the Puritan clergy in society and politics fell away swiftly—with the general decline of Puritanism, intensified by the reaction against the witchcraft delusion and assisted also by the rapid influx into New England of dissenting Baptists and Episcopalians. Within Puritan churches themselves appeared a "lib-

eral" schism, foreshadowing the later Unitarian movement and even the "sceptical" deistic doctrines that soon were to affect the thought of so many American leaders of the Revolutionary period. For a time a large fraction of New England population ceased to have more than a nominal connection with any church—and there seems to have followed a considerable loosening of morals.

Very soon, however, this tendency was counteracted, in large part at least, by the first American religious "revival" movement, characterized by most of those extreme emotional features that "revivals" made so familiar during the next century and a half. That "Great Awakening" began in 1734 in a Puritan church in Northampton, Massachusetts, under the powerful preaching of Jonathan Edwards, who strove with stern logic and passionate eloquence to save souls by reviving both the vigor and the rigor of early Calvinism. Five years later came George Whitfield from England, to spread a somewhat similar evangel, but even more emotional (the foundation for American Methodism), throughout the Middle and Southern colonies.

To our modern way of thinking it is hard enough to reconcile with a great intellect the use of the fiercely denunciatory rhetoric (like the passage quoted on the next page) by which Edwards was wont to drive whole audiences to "conversion" with tumultuous weeping and despairing groans. But there is no doubt as to the reality of these two different sides to this remarkable man. European thinkers of that day (like all thinkers of later times who are interested enough in theological doctrines to study his works) agree with Immanuel Fichte in calling him "the most original thinker in America," and it would be a daring critic who would try to point out one logical fallacy in all his tomes. But there was yet another side to that rare spirit, who was a product of provincial Yale and who never held any position more important, in a worldly way, than the pastorate of a small country church. Edwards



*Jonathan Edwards* "THE GOD THAT HOLDS YOU OVER  
THE PIT OF HELL, MUCH AS  
ANYONE HOLDS A SPIDER OR SOME OTHER LOATHSOME INSECT OVER  
THE FIRE, ABHORS YOU AND IS DREADFULLY PROVOKED."

was a true and gentle poet, with a touching love for all simple beauty. Those who today refuse even to look into his controversial theology and who are repelled by his "fire-and-brimstone" preachings, must still bow in reverent humility before his picture of the soul of a true Christian as like

such a little white flower as we see in the spring; low and humble, but opening its bosom to receive the pleasant beams of the sun's glory; rejoicing in a calm rapture and diffusing a sweet fragranc; standing peacefully and lovingly in the midst of other flowers, all in like manner opening their bosoms to drink in the light of the sun.

Surely it gives us a broader sense of American colonial life to remember that at the opening of the eighteenth century one small colony could give birth (within three years) to two such different and mighty geniuses as this Calvinistic idealist and savior of souls for the hereafter, Jonathan Edwards, and the deistic and "materialistic" philosopher and practical philanthropist for this world, Benjamin Franklin—of whom we shall have more to say a little later.

### INTELLECTUAL FEATURES

Of the original immigrants below the gentry class, a large proportion could not write their names; and for many years, in most colonies, there were few schools. Parents were sometimes exhorted by law to teach their children themselves; but all lacked time, and many lacked knowledge. Mary Williams, wife of Roger Williams, signed by her "mark." So, too, did Priscilla Alden in Plymouth; and in 1636 the authorities of that colony excused themselves to critics in England for having as yet no school, on the plea of poverty and the pathetic fact that "Divers of us take such paines as they can with their owne." The closing years of the seventeenth century, in particular, were a period of deplorable ignorance—the lowest point in book education ever reached in America.

With the dawn of the eighteenth century, and its greater prosperity, conditions began to improve. In Pennsylvania, parents were required, under penalty of heavy fine, to see that their children could read, and several free elementary schools were established. In Maryland the statute book provided that each county should maintain a school, with a teacher belonging to the established Episcopalian Church; but, since most of the inhabitants were Catholics or Protestant dissenters, the law was ineffective. In Virginia, in 1671, Governor Berkeley had boasted, "I thank God there are no free schools here nor printing," and had hoped that for a hundred years the province might remain untroubled by those causes of "disobedience and heresy." Half a century later, another governor of Virginia complained bitterly that chairmen of committees in the Assembly could not write legibly or spell intelligibly; but by 1724, twelve free schools had been established by endowments of wealthy planters, and some twenty more private schools were flourishing. South of that colony there was no system of schools whatever, but there were a few private academies, and Charleston in 1712 set up a free town-school of a commercial cast, to teach "writing, arithmetic, and merchants' accounts, and also the art of navigation and surveying and other useful and practical parts of mathematics." Here and there, the churches did something toward teaching children; and of course, the wealthy planters of South Carolina, like those of Virginia and Maryland, had private tutors in their families, and sent their sons to colleges in their own or neighboring colonies or to the English universities. In New York, the Dutch churches had begun free schools, but at a later time, because of the connection with the church, these almost disappeared.

The schools of early Massachusetts, New Haven, and Connecticut demand a longer treatment. Here was the splendor of Puritanism—a glory that helps us forget the shame of the Quaker and witchcraft persecutions. The public school system

of America today, in its essential features, is the gift of the Puritans.

In Massachusetts, private schools were found in some villages from the building of the first rude cabins. In 1635, five years after Winthrop's landing, a Boston town meeting adopted one of these private schools as a town school, appointing a schoolmaster and voting from the poor town treasury fifty pounds (some two thousand dollars today) for its support. So, Salem in 1637, and Cambridge in 1642. Such schools were a new growth in this New World, suggested no doubt, by the parish schools and endowed grammar schools of England, but more generously planned, for the whole people, by public authority. They were free in the sense of being open to all. Commonly they were supported in part by taxation, but tuition was charged also to help cover the cost.

The next step was for the commonwealth to adopt these town schools and weld them into a state system. This, too, was done by the men of the first generation—pioneers, still struggling for existence on the fringe of a strange and savage continent. In 1642, "in consideration of the neglect of many parents to train up their children in learning *and labor*, which might be *profitable to the Commonwealth*," the General Court passed a Compulsory Education Act of the most stringent character, even authorizing town authorities to take children from their parents, if needful, to secure their schooling.<sup>1</sup>

That Massachusetts legislature of 1642 assumed that schools were accessible in each town. Five years later, the commonwealth required each village to maintain at least a primary school, and each town of a hundred houses to keep up a grammar school (Latin school). This great law of 1647 (written with solemn eloquence, as if, in some dim way, the pioneers felt the grandeur of their deed) remains one of the mighty

<sup>1</sup> As the quoted passage shows, the Puritan purpose was not merely religious training, but also good citizenship. The preamble of the similar Connecticut Act of 1644 runs: "For as much as the good education of children is of singular behoof and benefit to any Commonwealth," etc.

factors that have influenced the destiny of the world. James Russell Lowell, after a delightful reminiscence of the New England crossroads schoolhouse, continues:

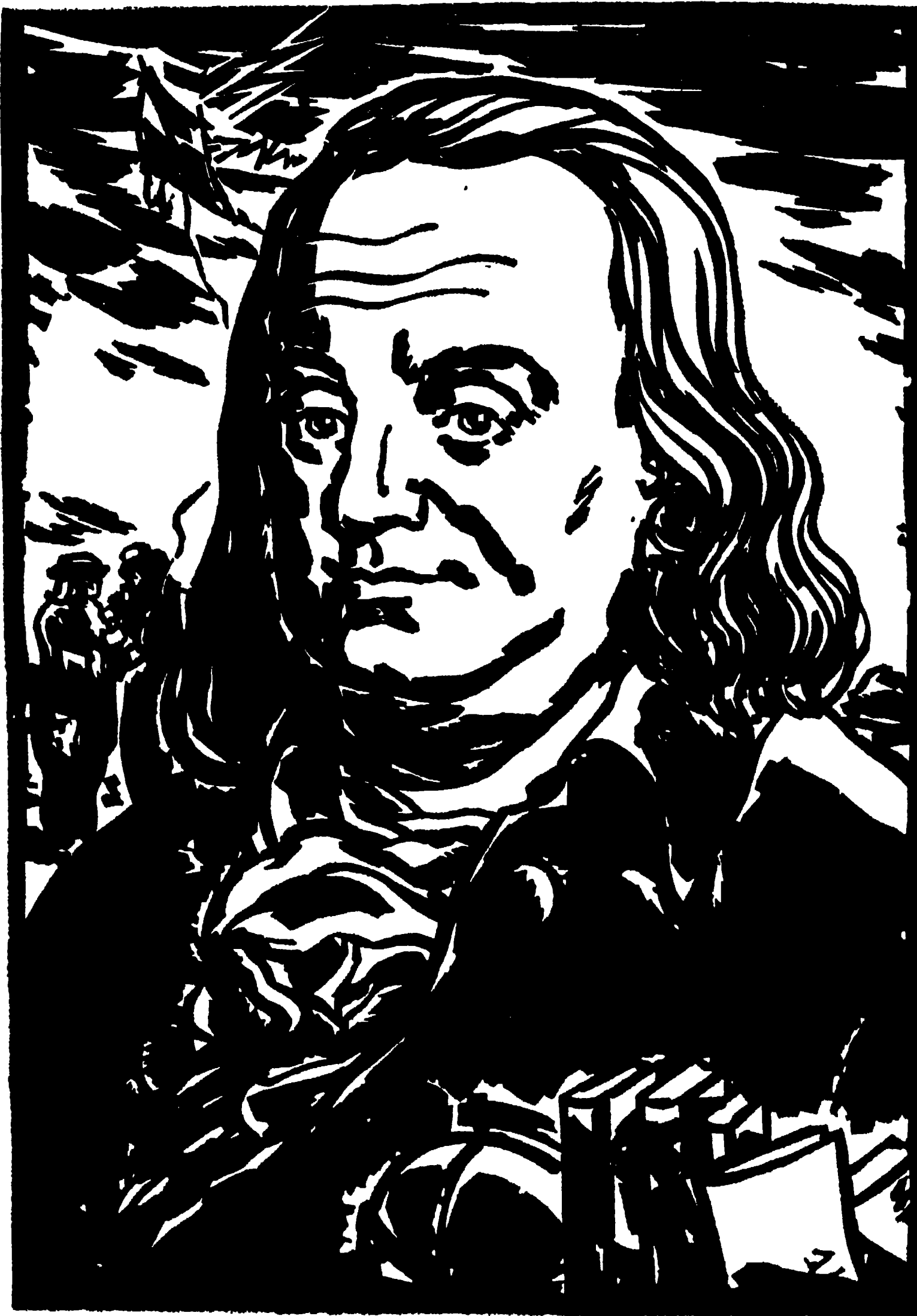
Now this little building, and others like it, were an original kind of fortification invented by the founders of New England. These are the martello-towers that protect our coast. This was the great discovery of our Puritan forefathers. They were the first lawgivers who saw clearly, and enforced practically, the simple moral and political truth, that knowledge was not an alms, to be dependent on the chance charity of private men or the precarious pittance of a trust-fund, but a sacred debt which the commonwealth owed to every one of its children. The opening of the first grammar-school was the opening of the first trench against monopoly in state and church; the first row of pot-hooks and trammels which the little Shearjashubs and Elkanahs blotted and blubbered across their copybooks was the preamble to the Declaration of Independence!

A notable feature of the Puritan plan is that it embraced a complete state system from primary school to "university." In 1636, a year after Boston established the first town school, Massachusetts established her "state university" (as Harvard truly was in the seventeenth century, though it was named for the good clergyman who afterward endowed it with his library). Then the law of 1647 joined primary school and university in one whole, providing that each village of a hundred householders must maintain a "grammar-school, with a teacher able to instruct youth so far as they may be fitted for the University."

True, this noble attempt was too ambitious. Grinding poverty made it impossible for frontier villages of four or five hundred people to support a Latin school; and, despite heavy fines upon the towns that failed to do so, such schools gradually gave way, except in one or two large places, to a few private academies—which came to represent the later New England idea in secondary education. Thus, the state system was broken at the middle, and both extremities suffered. The

universities ceased finally to be state institutions; and the primary schools deteriorated sadly (especially in the period of Puritan decline about 1700), sometimes into only a poorly taught, short winter-term for boys, and poorer taught and shorter summer-term for girls—which, moreover, was the only part of the educational system open to girls at all. Still, with all its temporary failure in its first home, the Puritan ideal of a state system of public instruction was never wholly lost sight of in America. Moreover, bad as things were in the eighteenth century, an astonishingly large part of the population could read—many times as large, probably, as in any other country of the world at that time.

There were also some beginnings of culture of a higher quality. In 1693, aroused by the dearth of learned parsons, certain good Anglican clergy in Virginia secured from the English crown a charter for William and Mary, the second college in America. A few years later (1701) the Puritan and Congregational legislature of Connecticut chartered Yale College, with its main purpose (as a succeeding legislature declared) “to supply the churches of this colony with a learned, pious, and orthodox ministry.” Toward the middle of the century, under similar theological and sectarian auspices, Anglican King’s College (now Columbia) was set up in New York, Presbyterian Princeton in New Jersey, and Baptist Brown in Rhode Island. No one of these colleges, however, denied admission to youth of other Protestant sects (as did the English universities of that and much later time), nor did the older Puritan Harvard do so. But all of them did cling to the traditional medieval curriculum, and none of them equalled a good high school of today in faculty or equipment—while they were far excelled by the learned university the Spaniards had founded much earlier in Mexico. It should be noted, too, that, before the Revolution, both Congregational Harvard and Angli-



*Benjamin Franklin*

HE WRESTED THE LIGHTNING  
FROM THE SKIES AND THE  
SCEPTER FROM TYRANTS.—

TURCOT

can William and Mary were suspected of latitudinarianism, if not of absolute "free thinking."

In 1755 (shortly before the date of Brown above) there did appear an institution of higher learning that departed widely both from the theological end and the traditional means in education. This was the College of Philadelphia (now University of Pennsylvania), established through the persistent efforts of Benjamin Franklin and his liberal-minded "Junto" of artisan friends. Self-educated and keenly interested in every form of social and scientific advance, Franklin was bent on making the institution modern rather than medieval, but, with his usual good sense, he saw the necessity of compromising far enough not to endanger the essential financial and popular support. Latin, Greek, and the rest of the usual scholastic curriculum were offered, therefore, for those who wished to prepare for the ministry, medicine, or law; but youth of other aims were encouraged instead to study such subjects as modern languages (not forgetting contemporary English literature), mechanics, chemistry and physics, agriculture, ethics, modern history (as well as ancient history, which last was not wholly unheard of previously), political science, economics, and international law, and such practical branches of mathematics as surveying, navigation, and accounting.

Nowhere else in the world was there then any learned institution that even approached the rational and practical education designed by this frontier college, nor was the example followed elsewhere, in even one instance, until Thomas Jefferson, seventy years later, carried like ideas even farther in his plan for the University of Virginia.

The colonies produced a number of bulky books, though not many that survive except for the curious antiquarian, but all the best of Old World literature, especially of contemporary literature, was readily and promptly accessible for those who could pay moderate prices for books. Printers

who published and sold works by American authors extended their business to importing further sales stock from Europe. Soon after the young Franklin opened his printing shop in Philadelphia, he advertised for sale copies of Seneca, Ovid, Bacon, Milton, Locke, Dryden, and Swift—remarking shrewdly, if somewhat optimistically, that “our people, having no public amusement to divert their attention from study, became acquainted with books.” Except for the libraries of the clergy there were not many large private collections—though Thomas Jefferson, for instance, possessed a noble library—but there were many small ones, especially among the planters of the South and the lawyers of the North. Some of the owners of very moderate-sized collections kept abreast not only with the latest scientific theories in England and France but also with the new schools of French thought, as suggested by copies of Montesquieu, Voltaire, and Rousseau, on their shelves.

The larger towns, too, had begun to provide access to books for those who could not afford to buy. As early as 1698, the South Carolina Assembly founded at Charleston a *public library*, and, some fifty years later, Franklin, at Philadelphia, started a *subscription* library, consisting at first of one or two volumes purchased and donated by each member of his Junta of poor but active-minded tradesmen. These examples spread.

In 1700 there was no newspaper in the colonies. In 1704 appeared a small weekly four-page folder entitled the *Boston News Letter* and twenty years later there were nine weeklies, well distributed through the coast districts. Ten years later still, Boston alone had five, and on the eve of the Revolution the number of such publications multiplied swiftly. There were no agencies, of course, for collecting news, but these small sheets spread some information about world doings and (more important then) they gave active-minded and public spirited men a chance to express opinions to their fellow citizens. (Cf. page 151.)

And this is perhaps the best opportunity to note briefly the important fact that, in still greater degree, the old place of the clergy as leaders in public affairs was now taken over by a new professional class. Lawyers in the colonies had risen to a station much superior socially to that of their fellows in England; and their training in drawing nice distinctions, and in argument and forensics, fitted them particularly for public life. Nearly all the great leaders of the Revolutionary period (except Washington and Franklin) either belonged to this profession or at least (like Jefferson) had profited by training for it.

### INDUSTRIAL CONSIDERATIONS

Labor was supplied, in the main, by free men in New England, working for themselves or for wages; by indentured white servants in the Middle colonies; and by negro slaves in the South.

In 1619, while Virginia was still the only English colony on the continent, she received her first importation of negro slaves, twenty in number. As late as 1648, there were only 300 in her population of 15,000. By 1670 the number had risen to 2,000 (out of a total of 40,000). A century later nearly half her population was black, while in South Carolina more than half was black. In Maryland the proportion was about a fourth, and in New York a seventh. In 1775, negroes made a fifth of the total population of 2,500,000, and half of that south of Mason and Dixon's line. That line divided the population of the country into two nearly equal halves, but two-thirds of the whites were found to the north of it.

Negroes were not numerous enough in the North (except perhaps in New York) to affect the life of the people seriously. In the South, black slavery degraded the condition of the indentured white "servant," and—more serious still—made it difficult for him to find profitable and honorable work when

his term of service had expired. As early as 1735, the result appeared in the presence of the class known later as "Poor Whites." In that year Colonel William Byrd declared that these "Ethiopians" "blow up the Pride and ruin the Industry of our White People, who, seeing a Rank of poor Creatures below them, detest work for Fear it should make them look like Slaves." In Virginia, as a rule, slavery was mild; while in South Carolina and Georgia it was excessively brutal. In those two colonies the rice plantations called constantly for fresh importations of savage Africans. In all colonies with a large slave population there were cruel "Black laws," to keep slaves from running away, and everywhere the general attitude of the law toward the slave was one of indifference to human rights. The worst phases of the law were not often appealed to in actual practice, but in New York in 1741, during a panic due to a supposed plot for a slave insurrection, fourteen negroes were burned at the stake (with legal formalities) and a still larger number were hanged—all on very flimsy evidence.

The white bond servants were of several classes. The man who sold himself into service for four or seven years in return for passage money for himself or his family, was known as a "redemptioner," or "free-willer." The German immigrants of the eighteenth century, like many of the English settlers, came in this way. Many convicts were transported from England, condemned to seven or fourteen years of service. After 1717, this class increased rapidly in number, averaging about 1,000 a year for the fifty years preceding the Revolution. Classed with the convicts in law, but very different from them in character, were the political "convicts"—prisoners sold into service by the victorious parties, each in turn, during the English civil wars of the seventeenth century. Often, too, convicts proper were not hardened criminals, but rather the victims of the atrocious laws in England. Many were intelligent and capable. In Maryland, in 1773, a ma-

jority of all tutors and teachers are said to have been convicts. Some of them (like a much larger part of the redemptioners), after their term of service, became prosperous and useful citizens. Charles Thomson, Secretary of the Continental Congress, was a "redemptioner," as was also one of the signers of the Declaration of Independence. So, too, was Zenger (page 151), and many members of colonial legislatures came to America as bond servants.

The condition of the white servants, however, was often a deplorable servitude. The colonial press, up to the Revolution, teems with advertisements offering rewards for runaway servants. More than seventy such notices are contained in the "Newspaper Extracts" published in the New Jersey Archives for that little colony, for only the two years, 1771, 1772. This must have meant one runaway servant to each 1,000 of the population; and probably not half the runaways are in those advertisements. One runaway is described as "born in the colony," about fifty years old, and as having "served in the last war [French War] and a carpenter by trade." There are still more significant and gruesome notices by jailers, proving that it was customary to arrest a vagrant workingman on suspicion of his being a runaway, and then, if no master appeared to claim him within a fixed time, to sell him into servitude for his jail fees! Some of these white "servants" are described as fitted with "iron collars." American law and custom permitted these barbarities upon the helpless poor in the days of Lexington and Bunker Hill.

Communication was improving slightly in the later colonial period. Some roads were built between the principal settlements in the North (dirt roads only, dusty or muddy in summer and piled high with snow in winter), and some inns appeared. In 1732 the first stage line in America was started—between New York and Boston. Soon there was another from New York to Philadelphia, and in 1766 the enterprising

owner of the "Flying Machine" advertised that his stages would carry passengers over that route in the amazingly short time of two days! In another broadside, he informed the public that one of his stages had adopted the more comfortable coach form, previously used only for private vehicles. Soon the old stage-wagon had wholly disappeared, in favor of the stage-coach form.

South of Philadelphia, all travel was by horseback along narrow trails, or by boat, and everywhere goods were still carried on pack-horses or by water. Travel even by coach was not always pleasant: often the passengers had to help lift the conveyance out of the mud, and the many streams had to be forded or crossed by ferries. When possible, without waiting too long for a boat, people preferred to travel from one coast town to another by water, although they had to provide their own bedding and food for the trip, and though the coasting sloops had no regular times for sailing.

Occupations changed only by slow degrees, though they did vary somewhat with the locality. Nineteen-twentieths of all the people were still farmers. The South had little other industry, since the slave was unfit for manufactures or for the work of a skilled artisan. Tobacco raising was the chief employment in the tidewater districts of Maryland, Virginia, and North Carolina, and rice cultivation in South Carolina and Georgia. These tidewater staples were grown mainly on large plantations; and the Virginia planter in particular sought to add estate to estate, and to keep land in his family by rigid laws of entail (a legal arrangement to prevent land from being sold or willed away out of a fixed line of inheritance; found only with primogeniture). Between this class of large planters and the "Poor Whites," however, there was always a considerable number of small farmers in Virginia, and in North Carolina this element was the main one. The western counties of all the colonies were occupied exclusively in small farming.

In the Middle colonies, foodstuffs were raised on a large scale. These colonies exported to the West Indies (both English and French) most of the bread, flour, beer, beef, and pork used there. In these colonies, too, immigrant artisans from Germany early introduced rudimentary manufactures—cloth, pottery, glassware, hats, shoes, furniture—not in “factories” yet, but in the home or in small shops such as those described on page 146.

In New England, occupations were even more varied—as from the beginning. (See pages 75 and 76.) The vast majority of the people still lived in agricultural villages and tilled small farms; but they could not wring all their subsistence from the scanty soil. Each farmer was a “Jack-at-all-trades.” In the winter days, he hewed out clapboards, staves, and shingles; and in the long evenings, at a little forge in the fireplace, he hammered out nails and tacks from a bar of iron. Even in the towns, all but the merchant and professional classes had to be able to turn their hands to a variety of work if they would prosper. Mr. Weeden tells of a certain John Marshall, a constable at Braintree, and a commissioned officer in the militia company there, who “farmed a little, made laths in the winter, was painter, carpenter, and messenger, and burned bricks, bought and sold live-stock,” and who managed by these varied industries to earn about four shillings a day. Manufacturers also had appeared, though, with one exception, on a smaller scale than in Pennsylvania.

The exception was shipbuilding. New England built ships for both American and English markets. With her splendid timber at the water’s edge, Massachusetts could launch an oak ship at about half the cost of a like vessel in an English shipyard, even with the much higher cost of labor in America.

One consequence of New England’s leadership in shipping, along with her geographical location, was her predominance in the fisheries—cod and mackerel, and finally, as these bred an unrivaled race of seamen, the whale fisheries of polar oceans.

New England, too, was preëminently the commercial section. Her schooners,<sup>2</sup> often from villages like Gloucester, carried almost all the trade between colony and colony for the whole sea-board. Much of this business was like a tin peddler's on land. A sharp Yankee shipmaster loaded his schooner with a miscellaneous mass of small wares of New England make—kitchen utensils, simple tools, and so on—and stopped to trade at port after port along the coast southward until his stock was sold out. But in centers like Boston and Newport (as also in New York and Philadelphia in the Middle colonies) there grew up an aristocracy of great merchants (in the old English meaning of the word), with warehouses, offices, wharves, and fleets of tall-masted ships on every sea and with agents in all parts of the world. One favorite "circle of exchange" was the "three-cornered route": (1) New England merchants carried rum to Africa, to exchange for negro slaves; (2) these they sold largely in the West Indies for sugar; (3) this they brought home, to make into more rum—with which to buy more slaves.

All the colonies imported their better grades of clothing and furniture and metal ware from England. Southern planters consigned their tobacco to agents in England and purchased these imports there through the same agents. The Northern and Middle colonies usually imported from England more than they sold there. But they sold to the West Indies more than they bought, receiving the balance in money—mainly French and Spanish coins—with which they settled the balances against them in England.

A serious lack of coin greatly hindered business. "Hard money" was being drained constantly to England, as just explained. No coins were struck in the colonies, except for the "Pine-Tree Shilling" of Massachusetts during the English

<sup>2</sup>The swift-sailing and graceful schooner of this period was peculiarly a new creation of New England shipyards.

Commonwealth, and there were no banks to issue currency. Trade was largely carried on not by money, but by barter; and in all colonies, especially in the first century, debts were settled and taxes were paid in produce ("pay") at a rate for each kind fixed by law. Wages and salaries were paid in the same way. The following record of a vote by a Plymouth town meeting in 1667 hints at the difficulty of getting "good pay" in such a method: "That the sume of fifty pounds shalbee alowed to Mr. Cotton [the minister] for this present yeare (and his wood). To be raised by way of Rate [assessed as a tax] to be payed in such as god gives, *ever onely to be minded that a considerable parte of it shalbee payed in the best pay.*" And it is said that toward the end of the colonial period, a student at Harvard, afterward president there, paid his tuition with "an *old cow.*"

In the lack of a "circulating medium" (especially during the French and Indian wars, when the governments needed funds) nearly all the colonies at some time after 1690 issued paper money. The matter was always badly handled, and great depreciation followed, with serious confusion to business. In consequence, the English government finally forbade any more such issues—to the great vexation of many people in America, especially to the annoyance of debtors.

### THE THREE SECTIONS

The deep-lying differences between the three great sections of colonial America were mirrored in certain external features of their homes.

The South had few towns. Ordinary planters lived in white frame houses, each with its long porch in front, often in park-like grounds, set at intervals of a mile or more apart. The small class of wealthy planters lived on vaster estates, separated from neighbors by grander distances. In any case, a true "plantation," like a medieval manor, was a unit, apart

from the rest of the world. The planter's importations from Europe were unloaded at his own wharf (he was merchant and often shipowner as well as farmer), and his tobacco, with that of the neighboring small farmers, was taken aboard from his huge warehouses. Leather was tanned; clothing for the hundreds of slaves was made; blacksmithing, woodworking, and other simple industries needful to the little community, were carried on, usually under the direction of white foremen. The mistress supervised weaving and spinning; the master rode over his fields to supervise cultivation, or in his office jotted down carefully farming memoranda for another season, or brought to date his records of income and outgo for each of his scattered estates. Along with the lady of the plantation, he cared for the slaves, looked after them in sickness, allotted their daily rations, arranged "marriages." The central point in the plantation was the imposing mansion of brick or wood, with broad verandahs, surrounded by houses for foremen and other assistants and by a number of offices. At a distance was a little village of negro cabins. The chief bond with the outer world was the lavish hospitality between the planter's family and neighbors of like position scattered over many miles of territory, and occasional outdoor gatherings for horse-racing or fox-hunting, quite in English fashion.

A very different society was symbolized by even the exterior of New England. Here the small farms were subdivided into little fields by stone fences, gathered from the soil. All habitations clustered in hamlets, which dotted the landscape. Each was marked by the spire of a white church, and, seen closer, each was made up of a few wide, elm-shaded streets with rows of decent though unimposing houses in roomy yards.

Most of the ground floor of each such house was taken up usually by the great living room, which was also kitchen and dining room. At one end always was a cavernous fireplace, huge enough to burn mighty four-foot or even six-foot logs.

The roaring winter fire served both to heat the house—though for a few feet only from its blaze in bitter weather—and also to cook the meals. In the deep recess, just above the blaze, kettles hung from pothooks and cranes, and a little in front were wooden settles with high backs to shut off the drafts. From the rafters, far along the room, hung chains of dried apples, bunches of ears of corn, strings of onions, smoked hams, and flitches of bacon.

The long winter evening saw much work about the fireplace for every member of the family above the age of four or five. Apples were cut up here for drying; corn was husked; candles and bullets were molded, and brooms were made; wool was spun into yarn and then knitted into stockings or woven into homespun; shingles were whittled out; and nails were fashioned on a small anvil. And here on a Sunday, between sermons and necessary chores, the mother of the family read the Holy Bible while her husband perhaps dozed over the sermons of Jonathan Edwards, as now and then on a week-day evening he might steal time to pore over the aphorisms of Franklin's *Poor Richard*.

The symbol of the West was neither the broad-verandahed country mansion nor the town of elm-shaded streets clustering about a white spire. Rather it was a stockaded fort, with scattered log cabins in their stump-dotted clearings, spotting the forest for miles about it. As early as 1660, in Virginia, there was a difference noticeable between eastern and western counties. The great planters were not much attracted to the ruder frontier, and so the western districts were left almost wholly to a democratic society of small farmers. So, too, in New England. By 1700, good land was scarce in settled districts, and town "freeholders" were less and less willing to admit "cottagers" to rights of pasture on the town "commons." Accordingly, the more enterprising and daring of the landless men began to strike out for themselves in new settlements far

up the rivers—usually at some point where good water power suggested a mill site, and always where land could be taken almost at will. Long before the Revolution, men of New England birth had begun a newer and more democratic New England in the pine woods up the Kennebec and Androscoggin in Maine, along the upper course of the Merrimac in New Hampshire, in the Green Mountains of what was one day to be “Vermont,” and in the Berkshires of Massachusetts—as about Pittsfield on the upper Housatonic.

Meanwhile, farther west, beyond the first mountain range, in the long valleys from Georgia to New York, the Scotch-Irish were building the true West (page 141). No rivers made visits and trade possible for them with the older settled area—divided from it as they were by the bristling Blue Ridge; and so here difference of race and lack of intercourse added to the earlier distinction between eastern and western districts.

But in all frontier regions, English or German or Irish, east or west of the Blue Ridge, compared with tidewater districts, there was little aristocracy. There were few large proprietors, few gentry, few servants, almost no slaves. The gold lace and powdered wigs of the older sections were rarely seen, and only on some official from the eastern counties. Nearly every male settler was a free proprietor working his own land with his own hands, and eating and wearing the products of his own labor. There were fewer schools and fewer clergy than in the older region; and the hard conditions of life in the wilderness, and constant touch with savage enemies, developed a rudeness of manner and a ruthless temper. Both for good and bad, this new frontier had already begun in its own way to Americanize the old Europeanized frontier of the tidewater districts.

## Part Three

### Separation from England

*The American Revolution was more than a war against England. It was an economic, social, and intellectual transformation of prime significance—the first of those modern world-shaking reconstructions in which mankind has sought to cut and fashion the tough and stubborn web of fact to fit the pattern of its dreams.*

—CHARLES A. BEARD



The seventy years of the "French Wars" closed in 1763. They had won for England a new colonial empire, but soon it became plain that they had also put at hazard her old empire. They had prepared her colonies in North America for union, removed the need of her protection, and brought her to tax them.

The common danger, during the long wars, had done much to bring the colonies together. In 1698, William Penn drew up a scheme for colonial federation, and in 1754, at a council of governors at Albany, Franklin presented his famous plan for union. Between these dates seven other like plans appeared, and leaders from distant colonies came together to consider some of them. True, the great majority of colonists everywhere ignored or rejected all such proposals, but the discussion was to bear fruit when a stronger motive for union should arise. And without union, resistance to England would have been impossible.

The conquest of Canada removed the most pressing need of English protection. Far-sighted men had long seen that the colonies might be less true to the mother country if the dreaded French power should cease to threaten them from the north. In 1748, Peter Kalm, a shrewd Swedish traveler, wrote: "It is of great advantage to the crown of England that the colonies are near a country under the government of the French. . . . *There is reason to believe the king was never earnest in his attempts to expel the French. . . .* I have been publickly told, not only by native Americans, but by English emigrants, that within thirty or fifty years the English colonies may constitute a separate state, wholly independent of England. . . . These dangerous neighbors are the reason why the love of the colonies for their metropolis does not utterly decline."

In the sentence here italicized, Kalm probably had in mind the fact that, in King George's War (then just closed), the English ministry had refused to coöperate with the colonies

for the conquest of Canada. In the French and Indian War, Pitt threw aside this ignoble caution, and brought about the conquest. Even then, some Englishmen urged that England ought to restore Canada to France, in order to hold her old empire more securely; and the French statesman, Vergennes, prophesied: "England will soon repent of having removed the only check that could keep her colonies in awe. They no longer need her protection. She will call upon them to contribute toward the support of burdens they have helped bring upon her. And they will answer by striking off all dependence."

As Vergennes foresaw, those same wars did also betray victorious England into administering the fatal jar to the union between her colonies and herself—first by her "writs of assistance" to enforce old laws, and then by new taxation, in the Sugar Act of 1764 and in the Stamp Act.

### J

The "writs of assistance" were used to enforce the old Navigation Acts with a new energy. This policy began with Pitt, during the French and Indian War. The original purpose was, not to raise revenue, but to stop what Pitt indignantly and truly called "an illegal and most pernicious Trade . . . by which the Enemy . . . is supplied with Provisions and other Necessaries, whereby they are principally, if not alone, enabled to sustain and protract this long and expensive War." The French armies in Canada and the French fleets in the West Indies were fed by provisions shipped to them from New England, at the very time that England was fighting desperately to protect New England against those armies and fleets. Many colonists confused this shameful trade with the ordinary smuggling which had long made parts of the navigation laws a dead letter. On the other side, the customs officials fell back upon remedies as bad as the evil. In 1755 they began to use *general* search warrants, known

as "writs of assistance," from the relatively unimportant fact that they empowered officers, at need, to call upon bystanders for help. This form of warrant had grown up in England in the evil times of the Stuart kings. It ran counter to the ancient English principle that a man's house was "his castle," into which not even the officer of the law might enter without the owner's permission, except upon definite cause shown. Unlike ordinary search warrants, these new documents did not name a particular place to be searched or a particular thing to be searched for, nor did they make public the name of the informer upon whose testimony they were issued. They authorized any officer to enter any house upon any suspicion, and "were directed against a whole people." They might easily become instruments of tyranny, and even of personal revenge by petty officials.

When George III came to the throne in 1760, all writs of the past reign expired. Accordingly, in 1761, a revenue officer at Boston asked a Massachusetts court to issue new "writs of assistance." It then became the place of James Otis, the brilliant young Advocate General, to argue for them. Instead, he resigned his office, and took the case against them. "Otis was a flame of fire. Then and there the child Independence was born."<sup>1</sup> He called the general warrants "the worst instrument of arbitrary power, the most destructive of English liberty and of the fundamental principles of law, that ever was found in an English law book." He contended, he said, against "a kind of power, the exercise of which had cost one king of England his crown, and another his head. . . . No Act of Parliament can establish such a writ. . . . *An act against the constitution is void.*"

<sup>1</sup> So wrote John Adams some years afterward. The other quotations in the paragraph are from notes taken at the time by Adams, then a law student. How profoundly the argument of Otis impressed America is seen from the fact that when Virginia in 1776 adopted the first written state constitution, the declaration of right prohibited "general warrants" (page 227). This provision has appeared in nearly all subsequent state constitutions and is found in the Federal Constitution (Amendment IV).

This final argument is natural to Americans today, familiar as we are with the idea of a written constitution as a fundamental law, to which all other law must conform. In England today such an argument would be almost impossible, since there parliament has come to be so supreme that it can change the law and the "constitution" at will. In older English history, however, the common law and the great charters (especially in so far as they protected the rights of the individual) had been regarded somewhat as we regard our constitutions, and it is in this old English sense that Otis used the word "constitution." (Otis lost his case, but a few years later the Court of the King's Bench adopted his view and declared general warrants in England unconstitutional.)

In 1763, peace removed the especial need for writs of assistance, and for a time the Americans forgot all past irritation in their enthusiastic gratitude to England for the conquest of Canada. But in a few months a new head of the English ministry reopened all the old wounds. This was George Grenville, an earnest, narrow man, without tact or statesmanship, bent upon raising revenue in America.

A strong case could be made out for that plan—if only the most important factor (human nature) were left out of account. The Intercolonial wars had made England the greatest world power, but they left her, too, staggering under a debt such as no country to that time had dreamed of. The colonists were prosperous and lightly burdened. Eight millions of Englishmen owed a war debt of ninety dollars a head—incurred largely in defending two million colonials, whose debt counted less than two dollars a head. Nor could the colonists excuse themselves on the ground that they had done enough in the wars. The struggles in America had been little more than scattered skirmishes, compared with the Titanic conflicts in the Old World. Pitt had declared that he would "conquer [French] America in Germany," and, with the aid of Freder-

ick the Great, he did it. Even in America, England had furnished most of the troops and nearly all the money—repaying each colony for all expense in maintaining its own troops when outside its own borders.<sup>2</sup>

Still Grenville did not expect the colonies to pay any part of the debt already incurred by England. He meant only to have them bear *a part* of the cost of *their own defense for the future*. English statesmen agreed that, to guard against French reconquest and Indian outbreaks, it was necessary to keep ten thousand troops in America. It was easy to find evidence that seemed to show the need of such a garrison. Pontiac's War, the most terrible Indian outbreak the colonists ever knew, came just at the close of the French War, in 1763, and raged for more than a year, sweeping bare, with torch and tomahawk, a long stretch of western country. A few British regiments, left in the country from the preceding war, were the only reason the disaster was not unspeakably worse. For six months they were the only troops in the field. The Pennsylvania legislature, despite frantic appeals from the governor, delayed to provide defense for its own frontier—partly from Quaker principles, but more from a shameful dislike felt by the older districts for the Scotch-Irish western counties. The savages, having worked their will in that province, carried their raids across its southern border, getting into the rear of a small force with which George Washington was striving gallantly to guard the western frontier of Virginia. Washington's force, too, was for months altogether insufficient for its task. His letters to the governor of Virginia complained bitterly of his need for reinforcements, but the governor's

<sup>2</sup>In the Crown Point expedition of 1755 (before war was declared), the 3,000 Colonials made the whole force; and during the next year 4,000 of the 5,000 troops in the field were Colonials. But after England formally declared war, English troops plainly preponderated. Amherst at Louisberg had only 100 Colonials among his 11,000 troops. At Quebec, Wolfe had 8,500 regulars and only 700 Americans—whom he described, with the usual arrogance of a regular army officer toward volunteer militia, as "the dirtiest, most contemptible, cowardly dogs."

earnest entreaties to the legislature for supplies bore fruit very slowly. Washington declared that he would have been wholly helpless for a long, critical time, had he not had under his command a small troop of English soldiers.

But the colonists, quite in accord with old English prejudice against a standing army in time of peace, had many times made it plain that their Assemblies would give no money to support one. Indeed they feared that such a garrison might sometime be used by a despotic government in England to take away their liberties—or as one set of colonial resolutions phrased it, “as a rod and check over us.” Accordingly Grenville decided to get the money for the support of a garrison by taxing the colonists through parliament. (1) He would make the Navigation Acts a source of revenue, instead of merely a means of benefiting English merchants; and (2) he would raise money in America by internal taxes—a thing never before attempted. In 1764 he ordered that the Navigation Acts be enforced rigidly; and zealous revenue officers in America spread dismay and irritation by suddenly seizing many ships with cargoes of smuggled goods. Then, upon communities already angry and suspicious, fell news of a new tax law.

This was the “Sugar Act” of 1764. The old Sugar Act of 1733 had tried to check the importation of sugar from the French West Indies—in the interest of the British West Indies (page 147). This law had never been enforced. The new “Sugar Act” (1) provided machinery more efficient than ever before to enforce the whole system of navigation laws; (2) revised those laws so as to raise more revenue,<sup>3</sup> and (3) forbade absolutely all trade with the French and Dutch West Indies.

<sup>3</sup> The Navigation Act of 1663 (page 117) had placed small duties on all imports to the colonies, but these had hardly covered the cost of collection. Indeed, they had been designed mainly as a convenient way to see that the law was obeyed as to bringing in all such goods through English ports. That is, in Burke’s phrase at a later time, the tariff had been intended “as an instrument of empire,” “not a means of supply!”

But these islands had long been the chief customers for the food products of the Middle colonies, and the British West Indies alone were not able to supply New England with the molasses and sugar necessary to her trade (page 174). The law, therefore, spread ruin through all the commercial colonies, in ways that Grenville had been too ill-informed to foresee or even to understand after the fact. Smuggling lightened the disaster somewhat, but zealous revenue officers seized many offending ships, and nearly half the rest of the colonial shipping was held rotting at the wharves for lack of business.

The loss of trade was due partly to the industrial depression in Europe and America after the great wars. This "panic" of 1764-1769 was the first in our history, and the colonists attributed all the depression to the Sugar Act—to which their particular troubles *were* largely due. "Hard times" in America have always produced political unrest, and those of the next few years made one factor in preparing men for the Revolution. The *commercial colonies* had never so feared French conquest as they now feared the loss of French trade. With every mail from America, a storm of protests assailed the ministry. But the Sugar Act did not directly affect the *southern colonies*, and therefore resistance to it could not arouse a united America. Moreover, though it did aim to raise revenue, still in form it was like preceding navigation laws, to which the colonists were accustomed. The leaders of public opinion needed a better rallying cry than it gave, to array the colonies against English rule.

The Stamp Act (the second part of Grenville's plan) gave this better opportunity. Early in 1764, Grenville made the proposed bill public. Parliament promptly adopted resolutions approving the plan, but gave the colonies a year more to provide some other means for supporting a garrison if they preferred. The colonies suggested no other plan, but they

made loud protests against this one. In the fall of 1764, the Sugar Act fell into the background; and from colonial town meetings and Assemblies petitions began to assail the ministry, regarding the "unconstitutional" nature of the proposed Stamp Act—using "constitution" in the same sense in which Otis had used it in the Writs of Assistance case. These communications Grenville never presented to parliament. In March, 1765, parliament enacted the law almost without discussion, and with no suspicion of the storm about to break.

The Stamp Act was modeled upon a law in force in Great Britain. It required the use of stamps or stamped paper for newspapers, pamphlets, cards and dice, and for all legal documents (wills, deeds, writs). In a few instances, where the document recorded some important grant, the cost of the stamp rose to several pounds, but, as a rule, it ranged from a penny to a shilling. Not a penny was to go to England. The whole revenue was appropriated to the future support of an American garrison.

There had come a significant change in the agitation in America. In opposing the Sugar Act, the colonists opposed an immediate injury to their pocket books: they did not deny the right of parliament to regulate their trade, but objected only to the ruinous way in which parliament had exercised that right. But in protesting against the Stamp Act they denied the right of parliament to pass such legislation in any degree. They contended now not against actual oppression, but against a principle which might lead to oppression. "They made their stand," says Moses Coit Tyler, "not against tyranny inflicted, but against tyranny anticipated."

Separate colonies, or groups of colonies, had been more stirred by other measures than by the Stamp Act. John Adams tells us that an earlier English law forbidding a "Land Bank" in Massachusetts (to issue paper money) "raised a greater ferment" in that colony. Franklin makes a like remark about

Pennsylvania. Other shrewd American observers believed that a chief cause of the Revolution in some colonies was an English plan to establish bishops in America—officials deeply feared by even the Anglican colonies because of the political power then held by them as members of the House of Lords. None of these grievances, however, made a universal appeal. But now astute leaders, more or less hostile to English rule, like Samuel Adams and Patrick Henry, seized the chance to rally the general dissatisfaction against England by appeals to the old English cry, “No taxation without representation.”



These words, however, meant one thing in England and a very different thing in America. In England, since 1688, representative institutions had been shrinking—becoming more and more *virtual*. In America representative institutions had been expanding—becoming more and more *real*. The English system had become, in Macaulay's words, “a monstrous system of represented ruins and unrepresented cities.” In reality, a small body of landlords *appointed* a majority of the House of Commons, and many “representatives” were utterly unknown in the places they “represented.” To an Englishman, accustomed to this system and content with it, “No taxation without representation” meant no taxation by royal edict: no taxation except by the House of Commons, which was a “representative” body. Such an Englishman might argue (as Lord Mansfield did) that parliament represented Massachusetts as much as it did the English Manchester. Parliament “virtually” represented the colonies, and therefore had the right to tax them.

The argument was weak, of course, even if representation was to remain “virtual.” Manchester, though without votes, was sure to influence parliament, and to be understood by parliament, far better than distant Massachusetts. But the American was not content with virtual representation: he was

accustomed in his own colony to real representation. True, there were imperfections in the American system: some colonies, notably Pennsylvania and the Carolinas, had been slow to grant a proper share in their legislatures to their own western counties. But, upon the whole, the electoral districts were about equal in population, the franchise was extended far enough to reach most men with a little property, and each little district chose for its representative, at frequent intervals, a man living in its midst and well known to the voters. To the American, "No taxation without representation" meant no taxation except by a representative body in his own colony, chosen under such conditions as these. In all this dispute the Englishman stood upon the old meaning of the phrase. The American stood for a new meaning, more in accord with future progress.

But if the right of parliament to tax America were denied, what would become of the unity of the British Empire—the greatest free state the world had ever seen? To preserve that unity appealed to a noble patriotism on both sides the Atlantic. Most people, too, thought union with England essential to the very existence of the colonies. Plainly, the separate colonies were too weak to stand alone; and union among them, except through England, seemed the wildest of dreams. During the past seventy years, colony after colony, for time after time, had been guilty of sacrificing the safety of a neighbor to sordid parsimony or to mean jealousy. Even James Otis wrote in 1765: "God forbid these colonies should ever prove undutiful to their mother country. . . . Were the colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion." Englishmen argued that the essential unity of the empire could be preserved only by recognizing a supreme power in parliament to bind all parts of the empire in all matters whatsoever, including taxation. Americans confessed, gratefully, that union with England was "the source

of our greatest happiness," but they denied the authority of parliament to tax them, and so were soon driven to deny any authority in parliament.

The situation was new. Within two or three generations, England had been transformed from a little island state, with a few outlying plantations, into the center of a world empire. Within the same period, the relative power of king and parliament had shifted greatly in England itself. This change made necessary a new relation between parliament and the colonies, but just what that relation ought to be was not clear. Many colonists, who clung to the union while denying authority in parliament, were driven to a dubious doctrine. The colonies, they said, were subject, not to parliament, but to the crown. The union between Massachusetts and England, according to this view of Jefferson and Franklin, was only "in the person of the sovereign," like the union between England and Scotland under James I. George III was king in England and king in Massachusetts; but parliament was the legislature of the British Isles only, as the General Court was the legislature of Massachusetts.

In the argument over taxation, the Americans had the best of it, because they placed themselves upon modern conditions, ignoring dead theories. But in this second argument, it was the Americans who clung to a dead theory. In earlier times there had been some basis for the doctrine of the crown's sovereignty in America. The colonies were founded upon "crown lands," and the kings had tried to keep them crown estates. In those days, the colonists had been glad to seek refuge from arbitrary royal control in management by parliament. During the Commonwealth, parliament exercised extensive control, and ever since, from time to time, it had legislated for the colonies—not merely in commercial regulations, but in various beneficent matters, as in the establishment of the colonial post office. Meantime, the English Revolution of 1688 had made parliament supreme over the king.

George III was "king in Massachusetts" only because he was king of England, and he was king of England only because of an Act of Parliament. Had the king's power been real any longer, the colonists would never have appealed to a theory of "personal union." That plea was a device to escape real control of any kind.

To reconcile freedom and empire for the far-flung English-speaking world was hard indeed. How hard is shown nowhere better than by the absurd contention to which the great Pitt was driven—that parliament might *govern* the colonies in all other respects but might not *tax* them, because "taxation is no part of the governing or legislative power." Almost equally absurd in that day, for all practical purposes, was James Otis' suggestion, approved by Franklin and by Adam Smith, that the colonies be given representation in a reformed, imperial parliament. Steam and electricity had not yet come to annihilate the three months between Boston and London. The only promising solution of the problem, in accord with conditions of the time, was the one stated in the noble passage toward the close of Burke's oration on American taxation:

I look upon the imperial rights of Great Britain and the privileges which the colonists ought to enjoy under those rights to be just the most reconcilable things in the world. The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island. . . . The other, and I think her nobler, capacity is what I call her imperial character, in which, as from the throne of heaven, she superintends all the inferior legislatures, and guides and controls them all, without annihilating any.

Parliament, the orator continues, is not to intrude into the place of an inferior colonial legislature while that body answers to its proper functions; "but, to enable parliament to accomplish these ends of beneficent superintendence, her power

must be boundless,"—including even the power to tax, Burke adds explicitly, though he regards that as a *reserve* power. That is, he would have had parliament recognized as possessing absolute power, in order that at need it might preserve the empire, but he would have had it waive its authority in ordinary times in favor of the rights of the colonists to self-government through their local legislatures. Probably this plan would have been as nearly satisfactory as any solution of the problem then possible, if any union was to be maintained. Adopted half a century later, it was to answer the needs of a greater English empire for eighty years longer still. But to work the plan called for tact and generosity, especially while the two parts of the English world were getting used to the new conditions. Neither tact nor generosity marked Charles Townshend or Lord North; and the clumsy machinery of government broke down.



Even so, parliament let the ministry drive the colonists to rebellion only because parliament itself represented England only "virtually." The contention between King George's government and the colonies had become intermingled with a struggle for the reform of parliament at home. For some time the Whig leaders in England had demanded vehemently that the franchise be broadened and that parliament be made really representative of the nation. If the demand of the Americans regarding taxation and representation were granted, then it would not be possible much longer to refuse this demand for representation by English cities like Manchester.

But this was just what conscientiously wrong-headed George III dreaded. He thought it his duty to recover the kingly power that had vanished since the English Revolution. To do this, he must be able to control parliament. The easiest way to control parliament was to pack that body with his own appointees from rotten and pocket boroughs. In a reformed

parliament, this would no longer be possible. The king, therefore, was ready to force on a war against the American claim in order to shove aside the reform movement in England.

No doubt, too exclusive attention is given to this last consideration by American historians like John Fiske and by liberal Englishmen like Trevelyan. Still it remains true that the American Revolution is seen imperfectly if it is looked upon solely as a struggle between England and America. It *was* a part of a thousand-year contest between the English-speaking people and their kings for more political liberty. In 1776 the most advanced part of that people, politically, lived on this side of the Atlantic. The popular claims were made here, and the struggle was fought out here; but in many ways the Revolution was a true civil war. Many Americans were not in favor of fighting, and many Englishmen were glad that America did fight.

This feeling found expression even within parliament. The resolution of Patrick Henry declaring that the attempt to tax America, if successful, would result in the ruin of British liberty also, was echoed by the great speech of William Pitt, when he "rejoiced" that America had resisted, and declared that victory over the colonies would be of ill omen for English liberty: "America, if she fell, would fall like the strong man: she would embrace the pillars of the state, and pull down the constitution along with her." When troops were sent to Boston in 1774, the Earl of Rockingham and other Whig lords presented a protest to be inscribed on the journals of parliament, and the Duke of Richmond broke out: "I hope from the bottom of my heart that the Americans may resist and get the better of the forces sent against them." Charles Fox spoke in parliament of Washington's first defeat as "the terrible news from Long Island," and, in common with many Whigs, repeatedly called the American cause "the cause of liberty." As late as 1782, only four months before peace was made, the younger William Pitt asserted in parliament that if the House

of Commons had not imperfectly represented the nation, it would never have been possible to carry on that "most accursed, wicked, barbarous, cruel, unjust, and diabolical war." Certainly the American, accustomed in our day to see popular intolerance of opinion suppress dissent even in legislative halls, should honor the English respect for free speech, which compelled even the Tory government of George III to listen to such noble "treason."



Far more significant, however, is another aspect of the truth that the Revolution was a civil war—the *American* aspect. The movement of independence was intertwined with a social upheaval in America—due to a rising social unrest, with two chief phases:

1. The western sections of many colonies felt themselves oppressed by the older sections. The inhabitants of the new western counties sometimes differed from their eastern brethren in religion or even in race, and they were not given their fair representation in the colonial legislature which taxed and governed them—but which sometimes failed to protect them against Indians. In 1780, Thomas Jefferson declared that "19,000 men below the Falls [in Virginia] give law to 30,000 in other [western] parts" of the colony; and in Pennsylvania the 16,000 voters in three eastern counties had more than twice as many representatives in the Assembly as the 15,000 voters of five western counties. In several colonies, too, sheriffs and other officials of the western counties were often non-residents, appointed from the eastern counties. Law courts were controlled by the older sections, and in the western districts they met at long intervals and at long distances from much of the population. Fees exacted for court services, and by all these appointed officers, seemed exorbitant and were sometimes made so by disreputable trickery. In 1763, a certain Edmund Fanning was appointed Registrar for the county of Orange in

western North Carolina. It was commonly reported that he was impecunious when he received the appointment, and that he accumulated £10,000 in two years by extortion. The "Regulators," in 1770, dragged him from a courthouse by the heels and flogged him; and the following verses were current as early as 1765:

When Fanning first to Orange came,  
He looked both pale and wan;  
An old patched coat upon his back,  
An old mare he rode on.  
Both man and mare warn't worth five pounds,  
As I've been often told;  
But by his civil robberies  
He's laced his coat with gold.

After several years of serious friction, the oppressed pioneers in North Carolina in 1769 set up a revolutionary organization known as committees of "Regulators," to prevent the collection of taxes. The eastern counties, which controlled the legislature, raised an army, and, in 1772, put down the "War of the Regulation" after a bloody campaign. The Regulation was not directed in any way against England, and must not be regarded as an opening campaign of the Revolution, as too often taught. Indeed, the militia that restored oppression was the militia which three years later rose against England, while the defeated "Regulators," refusing to join their past oppressors, in large part became Tories. But if the internal conflict could have been delayed three or four years, the Westerners would no doubt have dominated the Revolution itself in their state.

That was what happened in Pennsylvania. Pennsylvania also was on the verge of civil war; but, happily, internal conflict was postponed long enough so that in the disorders of the general movement against England the western radicals, with their sympathizers elsewhere in the colony, found opportunity

to seize the upper hand. In this colony, therefore, the Revolution was a true internal revolution. Old leaders were set aside, the franchise was extended to the democratic element, and a new reapportionment brought the democratic West into power. In most of the colonies north of the Carolinas, a like influence was felt in some degree.

2. Even in the older sections new men and a more democratic portion of society came to the front. Especially in the years 1774-1775, the weight in favor of resistance to English control was often cast by a "union of mechanics," as in Charleston and Philadelphia, against the wishes of the more conservative merchants and professional men. Any detailed account of the period abounds in illustrations of this fact. And aristocratic patriots, like John Adams, if they were not to fail, had to accept such aid not only from artisans but even from classes still lower—men who had not possessed a vote but who now, in times of disorder, often seized it. In many half-formal elections to early Revolutionary "conventions," the disfranchised classes voted—sometimes on the explicit invitation of the Revolutionary committees, sometimes because it was not easy to stop them. Afterward, the new state governments found it hard not to recognize in some degree the power that had helped make them—especially as they continued to need that help. It was due largely to the nameless workingmen, and to the democratic frontier communities, that the internal "revolution" widened the franchise somewhat and did away with the grossest forms of white servitude.

Perhaps the final justification of the Revolution lies in the fact that it opened opportunities more equally to all Americans, and so called into being new social energies. Colonial Americans had been reputed lazy. Critics so unlike as Hamilton and Jefferson agreed in ascribing this quality to their countrymen, and all foreign observers dwelt upon it as an American trait. But within forty years after the Revolution, this characteristic

had been replaced by that restless, pushing, nervous, strenuous activity which has ever since, in the eyes of all peoples, been the distinguishing mark of American life. That tremendous and sudden change in a people's character was noticed, as early as 1789, as due to the influence of the Revolution. Said David Ramsey in that year, in his *History of the Revolution*: "The necessities of the country gave a spring to the active powers of the inhabitants, and a vast expansion of the human mind speedily followed."

This was America's irrefutable answer to those doubters who thought the colonies must perish if left to themselves (page 192). Not merely do new occasions teach new duties: new duties arouse new energies. At the stirring call of independence, the weak and divided colonies grew strong and united enough to protect themselves not merely without England but even against her. The men who foresaw this possibility, and believed dauntlessly in its fulfilment, were radicals. They drew their conviction, not from the manifold discouragements of disreputable facts in colonial history, but from a broad survey of life and a profound faith in man and in their countrymen—from the evidence of things not seen.

Englishmen of that day sometimes believed sincerely that the Revolution was the work of a group of "soreheads." George Washington as a youth, they recalled, had been refused a coveted commission in the British Army. Sam Adams' father had been ruined by the wise British veto of a proposed Massachusetts "Land Bank." The older Otis had failed to secure an appointment on the Massachusetts Bench. Alexander Hamilton was a penniless and briefless law student, with no chance for special advancement unless by fishing in troubled waters.

All this, of course, as an explanation of the part played by Washington, Adams, Otis, and Hamilton, was as absurd

as was the view of many Americans that high-minded men like Chief Justice Oliver and Governor Hutchinson of Massachusetts were Loyalists simply in order to cling to office and salary. But had the British charge been true, what greater condemnation could be invented for the old colonial system than that, under it, George Washington could not get a petty lieutenant's appointment, and that a genius like Hamilton had practically no chance for advancement unless taken up by some great gentleman!

## CHAPTER X

### TEN YEARS OF AGITATION, 1765-1774

*Neither the Parliament of Britain . . . nor any other Parliament but that which sits supreme in our Province has a Right to lay any Taxes on us for the purpose of Raising a Revenue.*—Part of a Resolution adopted by a TOWN MEETING AT WINDHAM, MASSACHUSETTS, in 1774.

*By the God that made me, I will cease to exist before I yield to a connection on such terms as the British Parliament proposes.*—THOMAS JEFFERSON in a letter to John Randolph, November 29, 1775.

#### RESISTANCE TO ENGLISH TAXATION

THE Stamp Act was to go into effect in November. The news reached America in May. The colonists had done all they could to keep the law from being made; but now that it *was* law, nearly all the old leaders at first expected it to be obeyed. Even Otis declared it to be the “duty of all humbly . . . to acquiesce in the decision of the supreme legislature.” And Franklin wrote home from England—thinking chiefly, it would seem, of the money burden—“We might as well have hindered the sun’s setting. . . . Since it is down . . . let us make as good a night of it as we can. Frugality and industry will go a great way toward indemnifying us.”

Still, while the old leaders sought to reconcile themselves to the law, popular discontent was smoldering, and soon a new leader fanned it into flame. The Virginia House of Burgesses was in session, but the day for adjournment was near, and it seemed as though that great colony would make no protest. But May 29, Patrick Henry moved a set of resolutions denouncing the Stamp Act and *urging resistance to it*.

Henry had appeared in the Assembly for the first time only

nine days before, and in the "most bloody debate" that followed he was ridiculed by "all the cyphers of the aristocracy." (Thomas Jefferson, a young law student, stood in the door, and has left us his later recollections of the struggle.) Through the cordial support of the western counties, five of the resolutions were finally approved, though only by a majority of one vote; but meanwhile the whole set had been published—to ring "the alarm bell for the continent."

The sixth and seventh resolutions (never really adopted) asserted that the colonists were "not bound to yield obedience" to any law that so imposed taxation upon them from without, and denounced any one who should defend such taxation as an "enemy of his majesty's colony." The fifth resolution declared that every attempt to vest power to tax the colonists in "any persons whatsoever" except the colonial Assemblies "has a manifest tendency to destroy British as well as American freedom." It was in the debate upon this that Henry startled the House by his famous warning from history. "Tarquin and Caesar," cried his thrilling voice, "had each his Brutus; Charles the First, his Cromwell; and George the Third"—here he was interrupted by cries of, "Treason! Treason!" from the Speaker and royalist members; but "rising to a loftier attitude," with flashing eye, the orator continued, "may profit by their example. If this be treason, make the most of it!"

On the day that Henry moved his resolutions, the Massachusetts Assembly invited the legislatures of the other colonies to send "committees" to a general meeting at New York in October, but at first the suggestion was ignored. In August and September, however, as public feeling mounted under the stimulus of the Virginia resolutions, colony after colony named delegates, and in October nine commonwealths were represented in the Stamp Act Congress. That meeting drew up a noble Declaration of Rights and a group of admirable addresses to king and parliament. It did not suggest forcible opposition, but it helped, mightily, to crystallize public opinion

and to give dignity to the agitation against the law. Better still, it prophesied united action. Never before had so many colonies, of their own will, attempted to act together. It was now that Christopher Gadsden, delegate from South Carolina, exclaimed: "There ought to be no New England man, no New Yorker, known on this continent; but all of us, Americans!"

Meanwhile, payment of debts to British creditors was generally suspended,<sup>1</sup> and local "associations" pledged themselves to import no British goods until the Act should be repealed. Sometimes these early Non-Importation Agreements directly threatened violence. At a Westmoreland County meeting at Leedstown (Virginia) on February 27, 1766, resolutions that were unanimously adopted included the following passages:

We, who subscribe this paper, have associated, and do bind ourselves to each other, to God, and to our country, by the firmest ties that religion and virtue can frame, most sacredly and punctually to stand by, and with our lives and fortunes, to support, maintain, and defend each other in the observance and execution of these following articles. . . .

As the Stamp Act does absolutely direct the property of the people to be taken from them without their consent expressed by their representatives, and as in many cases it deprives the British American of his right to trial by jury; we do determine, at every hazard, and, paying no regard to danger or to death, we will exert every faculty, to prevent the execution of the said Stamp Act in any instance whatsoever within this Colony. And every abandoned wretch, who shall be so lost to virtue and public good, as wickedly to contribute to the introduction or fixture of the Stamp Act in this Colony, by using stamp paper, or by any other means, we will, with the utmost expedition, convince all such profligates that immediate danger shall attend their prostitute purpose.

If any attempt shall be made on the liberty or property of any associator for any action or thing to be done in consequence of this

<sup>1</sup> This method of coercing English public opinion was renewed in the later period of this struggle. In 1774, George Washington wrote to a friend in England: "As to withholding our remittances [payments of debts], that is a point on which I own I have my doubts on several accounts, but principally on that of justice."

engagement, we do most solemnly bind ourselves by the sacred engagements above entered into, at the utmost risk of our lives and fortunes, to restore such associate to his liberty, and to protect him in the enjoyment of his property.

This bold and "seditious" language was drawn up by Richard Henry Lee, and among the 115 signers were six Lees and a Washington. But more commonly the violent resistance was taken care of by secret societies known as Sons of Liberty, mainly from the working class. These organizations terrorized stamp distributors, compelled hesitating merchants to obey the non-importation agreements, and in various places, handled brutally the supporters of the law. A Boston mob sacked the house of Thomas Hutchinson;<sup>2</sup> and Andrew Oliver, stamp distributor for Massachusetts, standing under the "Liberty Tree" (on which he had been hanged in effigy shortly before), was forced, in the presence of two thousand people, to swear to a solemn "recantation and detestation" of his office before a justice of the peace. When the day came for the law to go into effect every stamp distributor on the continent had been "persuaded" into resigning, and no stamps were to be had. After a short period of hesitation, the courts opened as usual in most of the colonies, newspapers resumed publication, and all forms of business ignored the law.

In England the ministry had changed, and the new government was amazed at the uproar in the colonies. It was deluged, too, with petitions for repeal from English merchants, who already felt the loss of American trade; and, after one of the greatest of parliamentary debates, the Stamp Act was repealed (March 17, 1766). No serious attempt had been made to enforce it, and no demand was made for the punishment of the rioters. The English government did ask the colonial assemblies to compensate citizens who had suffered in

<sup>2</sup> The official dispatch to England regarding this riot says that the mob contained "fifty gentlemen disguised in trowsers and jackets"—the usual garb of artisans and laborers.

the riots; but even this request was attended to very imperfectly.

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After all, in the Stamp Act, however mistakenly, Grenville had aimed to protect the colonies, not to oppress them. But now followed new attempts at taxation by parliament merely to establish or to prove English supremacy over America. Within a few months the English ministry was changed once more. Pitt (now in the Lords) was the head of the new government: and, excepting for Charles Townshend, all its members were "friends of America." But ill-health soon forced Pitt to give up the active management of affairs, and the brilliant but unscrupulous Townshend, backed by the king, seized the leadership and turned promptly to schemes of American taxation.

In May, 1767, Townshend secured the enactment of new tariffs on glass, red and white lead, paper, painters' colors, and tea imported into the colonies. In the Stamp Act discussions, some Americans had objected to the stamp duties as an *internal* tax. Now Townshend cynically professed his readiness to give them the external taxation they preferred. This tone was bad enough to a sensitive people flushed with recent victory; and two other features made the bill unendurable: (1) trials for attempts to evade the law were to take place before admiralty courts without juries; and (2) the revenue was appropriated to the payment of colonial governors and judges, so as to give the crown complete control over such officers. (Cf. pages 149-150.) Thus the law began a wholly new phase of the struggle. "From this time," says Lecky, "the conduct of the government toward America is little more than a series of deplorable blunders."

Townshend died that same summer; but, for three years, his successor, Lord North, maintained his policy. Mean-

time the American continent seethed once more with pamphlets, addresses, and non-importation agreements. Assemblies denounced the law; royal governors, under strict instructions, ordered them to rescind, received defiant answers, and replied with messages of dissolution. Then, in the absence of means for legal action, the colonists turned again to illegal violence. Mobs openly landed goods that had paid no tax, and sometimes tarred and feathered the customs officials.

To check such resistance to law, parliament added to its offenses by providing that a colonist, accused of treason, might be carried to England for trial—in flat defiance of the ancient English principle of trial by a jury *of the neighborhood*. This threat roused Virginia again. Virginia was still the most important colony. It had been less affected by the Townshend regulations than the commercial colonies had been, and the ministry had been particularly gentle toward it, hoping to draw it away from the rest of America. But now the Assembly unanimously<sup>3</sup> adopted resolutions denouncing both the Townshend law and this recent attack on jury trial as unconstitutional and tyrannical. Nicholas, one of the Virginia leaders, declared that the new law was “fraught with worse evils than the Stamp Act, by as much as life is more precious than property”; and George Washington, the wealthiest planter in the Old Dominion, affirmed that it touched a matter “on which no one ought to hesitate to take up arms.”

The governor punished the House by peremptory dissolution.<sup>4</sup> But other Assemblies copied the Virginia resolu-

<sup>3</sup>Note the progress since the sharp division on Henry's resolutions, only four years earlier.

<sup>4</sup>Whereon, continues the Journals of the House, “the late representatives of the people, judging it necessary that some Measures should be taken in their distressed Situation . . . resolved upon a Meeting for that very salutary purpose, and therefore, immediately, with the greatest Order and Decorum, repaired to the house of Mr. Anthony Hay.” There the late Speaker was chosen “Moderator,” and, after due consideration, the gathering unanimously “recommended” to the colony a long and detailed non-importation association, drawn by George Mason, supported by George Washington, and signed at once by the 89 ex-Burgesses present.

tions or adopted similar ones; and non-importation agreements, enforced by semi-revolutionary committees, became nearly universal.

During this turmoil, came the Boston "Massacre." Two regiments of British regulars had been sent to Boston, in the fall of 1768, to overawe that turbulent community. This quartering of soldiery upon the town in time of peace, not for protection, but for intimidation, was one more infringement of fundamental English liberties. Incessant bickerings followed. The troops were subjected to constant and bitter insult, and on the evening of March 5, 1770, came the long-delayed collision, in which five citizens were killed, and six injured.

The next day, on the demand of a crowded town meeting, and as the only way to prevent an organized attack by the citizens upon the troops, Governor Hutchinson removed the regiments to a fort in the harbor. The troops had behaved well for many months, under intense provocation, and were not seriously to be blamed. Some months later, the soldiers who had fired on the crowd were tried before a Boston jury. John Adams and Josiah Quincy, leading patriots, volunteered as their counsel, risking gallantly their popularity and influence. Two soldiers were punished lightly; the rest were acquitted. History cannot acquit the English ministry from deliberately creating the situation that made such bloodshed inevitable.

### DE FACTO REVOLUTIONARY GOVERNMENTS

The Townshend Acts were a failure. They had driven the colonies to the verge of rebellion. Each penny collected under them had cost the English treasury a shilling, and English merchants were suffering keenly from the colonial non-importation policy. On the day of the Boston Massacre, Lord North moved the repeal, except for the insignificant tax on tea, giving

notice also that the government would lay no more taxes in America.

But instead of seeking real reconciliation, the British ministry took just this time to hector the various colonial Assemblies by arbitrary "orders" on many different subjects. When the Assemblies protested, the governors, under strict instructions, dissolved them; and at other times the usual liberties of the Assemblies, such as the choice of Speaker and place of meeting, were needlessly infringed.

During these disorders, America learned to organize itself in a semi-revolutionary manner. Committees of correspondence here and there had been a familiar feature of the agitation; but now *standing* committees took the place of the old legal Assemblies and town meetings. On the motion of Samuel Adams, in November, 1772, a Boston town meeting appointed a committee of twenty-one to maintain correspondence with the other towns of the province upon the infringements of their liberties. Some such device was made necessary by the fact that the Massachusetts Assembly was no longer free. The two hundred towns responded promptly by appointing similar committees, and soon a vigorous correspondence was going on throughout this complicated network.

Samuel Adams, "the man of the Town-Meeting," was the first American political "boss," in the better sense of the word. He played with unfailing skill upon the many strings of the town meeting, working his will through committees and faithful lieutenants. He has been called "the wedge that split England and America asunder." Dr. Howard says of him (*Preliminaries of the Revolution*):

The very narrowness of view which often prevented him from seeing the merits of his adversaries only added to his power. He had unbounded faith in democratic self-government . . . and was almost fanatical in his zeal for constitutional liberty. He had indomitable will, great tenacity of purpose, and unflinching cour-

age. . . . He was poor in worldly goods, simple in manner and dress, and able to enter sympathetically into the thoughts and feelings of plain men. Much of his power lay in his ability to persuade and lead the fishermen, rope-makers, and ship-masters of Boston. . . . He displayed a capacity for organization, sometimes lapsing into intrigue, and a foresight sometimes sinking into cunning.

After all, however, each colony was fairly certain, sooner or later, to find a way to express itself through some revolutionary organization. It was not so certain that the thirteen colonies could be *united* by revolutionary machinery. Here the first step was taken by Virginia. The occasion arose out of the burning of the *Gaspee*, a revenue schooner off the Rhode Island coast—whose commander had become extremely obnoxious to the colony. In pursuit of a smuggler's boat, the *Gaspee* ran aground. It was then boarded by an armed mob, led by a prominent merchant. The commander was wounded, the crew put on shore, and the vessel burned. The English government created a special commission to secure the offenders for trial in England. But, though the actors were well known to large numbers of people, no evidence against them could be secured, and, indeed, Stephen Hopkins, Chief Justice of the colony, declared he would commit to prison any officer who should attempt to remove a citizen from the limits of the commonwealth. Meantime, as in 1769, the attempt to send Americans to England for trial called forth ringing resolutions from the Virginia Assembly (March 12, 1773). But this time the Assembly did more than pass resolutions. It appointed a standing committee for intercolonial correspondence, and by formal letter invited all other Assemblies in America to appoint similar means of intercourse. Within three months, committees had been set up in half the colonies, and ere long the machinery was complete. July 2, the *New Hampshire Gazette* said of this movement: "The Union of the Colonies which is now taking place is big with the most important Advantages to this Continent. . . . Let it be the

study of all to make the Union firm and perpetual, as it will be the great Basis for Liberty and every public Blessing in America."

The next step toward revolutionary government was to develop from the local committees a Provincial Congress in colony after colony, and from the intercolonial committees of the continent a Continental Congress. This came about in the summer and fall of 1774, as the result of three events—the attempt of the ministry to force taxed tea down the throats of the colonists, the answer of the Boston Tea Party, and the punishment of Boston by the Port Bill.

1. Ever since the repeal of the other Townshend duties, the animosities of the conflict had been focused on the one taxed article, tea, so that Tory punsters were fond of allusions to the "tempest in a teapot." Says Moses Coit Tyler at the close of a delightful summary (*Literary History of the American Revolution*, I, 246-253):

The latent comedy of the situation flashes upon us now from the grotesque prominence then given, in the politics of the British empire, to this coy and peace-loving tea plant. By a sort of sarcasm of fate, it happened that between the years 1770 and 1775, this mistress of gentleness and peace,—this homelike, dainty, and consolatory herb of Cathay,—came to be regarded, both in America and England, as the one active and malignant cause of nearly all the ugly and disastrous business. . . . The innocent shrub . . . seldom receives in our literature for those years any less lurid description than . . . "pestilential herb." Just south of the Potomac, a much-excited young woman, addicted, as she supposed, to poetry as well as to politics, sent forth to the world a number of stanzas entitled "Virginia Banishing Tea," wherein that valorous colony exclaims,—

"Begone, pernicious, baleful Tea,  
With all Pandora's ills possessed;  
Hyson, no more beguiled by thee  
My noble sons shall be oppressed."

Now came a shrewd appeal to American avarice. For six years the colonists, for the most part, had done without tea—

except for the smuggled article—nor, indeed, did America ever recover her old equality with the mother country in the consumption of that delightful luxury. Partly because of this withdrawal of American custom, the East India Company had accumulated a surplus supply of seventeen million pounds of tea in its warehouses in England. The tying up of so much capital unproductively, together with other mismanagement, had involved the influential company in danger of bankruptcy, and it had turned to parliament for relief.

Lord North thought he saw a chance, at the expense wholly of the helpless British taxpayers, to win gratitude by helping the company unload its surplus stocks, and at the same time to undermine the American resistance to paying external taxes. This stored tea had already paid the usual English tax of a shilling a pound, and, under the Townshend Act, it was due to pay threepence more if brought to America. So in April of 1773, the ministry carried a measure giving the company a rebate of the English tax (and of some other burdens) on tea reëxported to America—so that the colonists would pay the threepence tax and still get their tea cheaper than Englishmen could—and cheaper than it could be smuggled. Ships loaded with this gross bait were at once dispatched to the chief American ports.

2. But everywhere by forcible resistance, the colonists kept the tea out of the market. At Charleston it was stored for years, until seized by the Revolutionary government in 1776. At New York, Annapolis, and Philadelphia, mobs frightened the governors or the ship captains into sending back the tea ships without breaking cargo. A tea ship was expected at Philadelphia in September. The "Liberty Boys" of that city distributed a handbill among the Delaware pilots:

We need not point out the steps you ought to take if the tea ship falls in your way. . . . This you may depend upon—that whatever pilot brings her into the river, such pilot will be marked for his

treason. . . . Like Cain, he will be hung out as a spectacle to the nations . . . as the damned traitorous pilot who brought up the tea ship. . . .

(Signed) THE COMMITTEE FOR TARRING AND FEATHERING.

Another broadside was addressed to the captain of the expected ship: "What think you, Captain, of a Halter round your Neck, ten gallons of liquid Tar decanted on your Pate, with the feathers of a dozen wild Geese laid over that, to enliven your appearance." All this was weeks before the Boston episode. The Philadelphia ship, however, did not actually arrive at the mouth of the river until four or five days *after* the Boston Tea Party, and it then sailed back to England without trying to reach the city.

In Boston the "Tories" were made of sterner stuff, and the clash was more serious. Governor Hutchinson had stationed warships in the channel to prevent the owner of three tea vessels from sending them away, and the customs officials prepared to land the tea by a force of marines as soon as the legal interval should expire. (Ships were allowed to remain only twenty days in the harbor without unloading.) Boston exhausted all means but actual violence—and then used that so skillfully as to avoid bloodshed. At the last moment (in the evening dusk of December 16) an all-day town meeting resolved itself into a band of Mohawks ("with whom," says Carlyle, "Sam Adams could speak without an interpreter"), and, seizing the vessels before they passed into the hands of the officials, emptied into Boston harbor some ninety thousand dollars' worth of tea.

3. The short-sighted English government replied with a series of "repressive acts"<sup>5</sup> to punish Massachusetts. Town

<sup>5</sup> Classed with these acts, in the minds of the colonists, was the Quebec Act, which was passed at the same time. This legalized the Catholic religion, and restored part of the French law, for Canada. The design was to conciliate the French settlers (almost the sole population), and to set up some authority to deal with the existing anarchy in the fur-trade regions. No act of the series, however, caused more bitter suspicion among the English colonies, with their

meetings were forbidden, except as authorized in writing by the governor and for business specified by him. All courts, high and low, with all their officials, were made absolutely dependent upon his appointing and removing power. So far as the election of the Council was concerned, the charter of 1691 was set aside, and the appointment given to the crown. And, most effective of all in rousing American indignation, the Boston Port Bill closed the port of Boston to commerce, with provision for a blockade by ships of war.

Since the entire population of the city depended for its living, directly or indirectly, upon commerce, it was threatened at once with starvation. Food and fuel became scarce and costly, and great numbers of men were unemployed. But all parts of America joined in sending money and supplies. South Carolina gave cargoes of rice; Philadelphia gave a thousand barrels of flour; from Connecticut came Israel Putnam driving before him his flock of sheep.



Virginia led the way to an even more essential kind of help. May 24, 1774, the House of Burgesses set apart June 1 (when the Port Bill was to go into effect) "as a Day of Fasting, Humiliation, and Prayer, devoutly to implore the divine interposition for averting the heavy Calamity which threatens Destruction to our Civil Rights, *and the Evils of civil War*, and to give us one heart and one Mind firmly to oppose by all just and proper means every injury to American Rights."

Two days later the governor dissolved the Assembly with sharp rebuke, but on the following day, as on the like occasion five years before (page 207), eighty-nine of the members (practically the whole number) met at the Raleigh Tavern and recommended an annual congress of delegates from all the colonies "to deliberate on those general measures which the

bigoted fear of Catholicism. The same act extended "Quebec" to include the unsettled district west of the mountains between the Great Lakes and the Ohio.

united interests of America may from time to time require." Here was a suggestion for permanent *continental* revolutionary government.

Then on May 31, a second meeting of twenty-five ex-Burgesses (all who had remained so long at Williamsburg) called a convention of deputies from Virginia counties for August 1, to appoint Virginia delegates to the Continental Congress which they had suggested. During June and July the Virginia counties, from the Blue Ridge to the sea, ratified this call in county courts by authorizing their ex-Burgesses to act for them at the proposed convention or by choosing new representatives to do so. Here were the germs of revolutionary machinery *for county and state*.

The records of thirty-one of these Virginia county meetings have been preserved. In all of them resolutions were adopted, in the nature of instructions to the county's delegates to the coming Virginia convention. Many of these documents are great state papers, equal in logic and rhetoric to those put forth three months later by the Continental Congress at Philadelphia. Typical in sentiment and language are the Fairfax County resolutions of July 18 (George Washington presiding)—of which perhaps a twentieth part may be quoted here:

*Resolved* . . . that our ancestors . . . brought with them, even if the same had not been confirmed by Charters, the civil Constitution and form of Government of the country they came from, and were by the laws of nature and Nations entitled to all its privileges, immunities, and advantages, which have descended to us, their posterity . . .

*Resolved*, That the most important and valuable part of the British Constitution, upon which its very existence depends, is the fundamental principle of the people's being governed by no laws to which they have not given their consent by Representatives freely chosen by themselves, *who are affected by the laws they enact equally with their constituents*, to whom they are accountable and whose burthens they share . . .

*Resolved*, That the claim lately assumed by the British Parliament, for making all such laws as they think fit to govern the people

of these Colonies, and to extort from us our money without our consent, . . . is totally incompatible with the privileges of a free people and the *natural rights* of mankind . . .

*Resolved*, That taxation and representation are in their nature inseparable; that the right of withholding, or of giving and granting their own money, is the only effectual security to a free people against the encroachments of despotism and tyranny . . .

*Resolved*, That the powers over the people of America, now claimed by the British House of Commons,—in whose election we have no share; in whose determinations we have no influence; whose information must be always defective, and often false; who in many instances may have a separate, and in some an opposite interest to ours; and who are removed from those impressions of tenderness and compassion, arising from personal intercourse and connection, which soften the rigours of the most despotick Government, must, if continued, establish the most grievous and intolerable species of tyranny and oppression that ever was inflicted upon mankind.

The document goes on to declare that “all manner of luxury and extravagance ought immediately to be laid aside” (horse racing is especially denounced in several counties as a form of “dissipation inconsistent with the gloomy prospect before us”); that men of fortune “ought to set examples of temperance and frugality”; that, to encourage the wool industry (for supplies of domestic clothing) “those who have large stocks of sheep [should] sell to their neighbors at a moderate price”; and that “merchants and vendors of goods ought not to take advantage of our present distress but continue to sell the merchandize they now have . . . at the same prices they have been accustomed to,” with sinister suggestion as to what might happen to said vendors if this advice were neglected. Many counties with studied economy of phrase *excepted* from the non-importation agreement *salt peter* and *sulphur*, as “articles of increasing necessity”!

In accord with the suggestion from Virginia, all the colonies but Georgia chose delegates to a congress, to meet September

1 at Philadelphia. We know this "First Continental Congress" of 1774 only from letters and later recollections of some of its members and from imperfect notes taken at the time by two or three delegates. It sat six weeks, and was a notable gathering—although forty years afterwards John Adams described it as "one third Tories, one third Whigs, and the rest Mongrels." The moderate party (Adams' "Tories") desired still to use only constitutional agitation to secure redress of grievances. This element was led by Joseph Galloway of Pennsylvania, supported by John Jay of New York and Edward Rutledge of South Carolina. The radicals insisted that, as a prelude to reconciliation with England, the ministry must remove its troops and repeal its acts. After strenuous debate, Galloway's proposals were rejected by a vote of only six colonies to five, and the Congress then recommended the radical plan of a huge universal boycott, in the form of a solemn Association. The signers were to bind themselves neither to import any British goods nor to export their own products to Great Britain. To enforce this agreement, efficient machinery was recommended. Every town and county was advised to choose a committee, acting under the supervision of the central committee of its province, "to observe the conduct of all persons," and to have all violations "published in the gazette," that the foes to the rights of America might be "universally contemned." Both content and language of this great paper were modeled closely upon the Virginia convention's resolutions—which, in turn, followed closely the Fairfax County resolutions quoted above.

The "First Continental Congress" was not a legislature or a government. The name "congress" was used to indicate its informal character. No governing body had ever held that name. It was a meeting for consultation. It claimed no authority to do more than advise and recommend. The delegates had been elected in exceedingly informal fashion—by a

part of a legislature, called together perhaps in an irregular way; or by a committee of correspondence; or by a mass meeting of some small part of a colony, claiming to speak for the whole; or, in six colonies, by a new sort of gatherings known as provincial conventions, similar to that in Virginia (above). None of this first series of provincial conventions sat more than five or six days (most of them only for a day), and none took any action except to appoint delegates to Philadelphia and to instruct them—and, in one or two cases, to provide for a second convention, to be held after the meeting of the Continental Congress.

## CHAPTER XI

### THE AMERICAN REVOLUTION

#### FROM COLONIES TO COMMONWEALTHS, 1775-1776

*The people seem to have laid aside the monarchic, and taken up republican government, with as much ease as would have attended throwing off an old and putting on a new suit of clothes.*  
—THOMAS JEFFERSON, August 13, 1777.

THE Assemblies of New York and Georgia refused to ratify the recommendations of the Continental Congress; but within six months all other colonies had adopted the Association—either by their regular Assemblies or by “conventions”—and everywhere “committees of public safety” and mobs were terrorizing reluctant individuals into signing. Tar and feathers and “the birch seal” became common means of persuasion, and moderate-men complained bitterly that, in the name of liberty, the populace denied all liberty of speech or action. A great revolution, however righteous, is sure to have its ugly phases.

The issue had changed. The question, now, was not approval or disapproval of parliamentary taxation, but whether resistance should be forcible. The radical patriots were probably a minority, but they were aggressive and organized, and eventually they whipped into line the great body of timid and indifferent people. On the other hand, from repugnance to armed rebellion or to mob rule, many earnest patriots of the preceding period now became Tories. Even John Adams was seriously disturbed by the glee of a horse-jockey client at the closing of the courts. In the few cities the revolutionary movement fell largely to the democratic artisan class. June 1, 1774, the governor of New York, writing to the English gov-

ernment on the excitement about the Boston Port Bill, says: "The Men who call'd themselves the Committee [in New York]—who acted and dictated in the name of the People—were many of them of the lower Rank, and all the warmest zealots. . . . The more considerable Merchants and Citizens seldom or never appeared among them."

In the winter and spring of 1775, regular legal government broke down and was replaced by revolutionary organizations. In colony after colony, the governors refused to let the legislature meet, and the people refused to let the governors' courts or other officials act. Then in many places, to prevent absolute lawlessness, county meetings or local committees set up some sort of provisional government, to last until "the restoration of harmony with Great Britain." (Action of this kind in Mecklenburg County, North Carolina, on May 30, 1775, through distorted recollections, gave rise years later to the legend of a Mecklenburg "Declaration of Independence" on *May 20*.) During this turbulent disorder, second provincial conventions were held in several colonies, to act upon the recommendations of the First Continental Congress. The "Tories" refused to pay any attention to the "illegal" elections, and in some cases, indeed, they were excluded from voting by test oaths. Some of these conventions now became de facto governments. They organized troops, raised money, and assumed civil powers far enough to alleviate the existing anarchy.

One of the earliest was the Second Virginia Convention, which, according to a plan adopted by the First Convention, met March 2, 1775—not at the old colonial capital at Williamsburg, but at the straggling village of Richmond, well up the river, away from the guns of British warships. Most of the members had expected merely to choose delegates for the Second Continental Congress, but they found it necessary to extend their session through eight days. Several counties had already raised and armed a militia wholly independent of the

royal governor's authority! After a hot debate the Convention adopted and extended this militia, organizing a complete state system. This was revolution; and once more it was the irresistible torrent of Patrick Henry's eloquence that swept the movement forward. "We must fight!" he cried. "The next gale from the north will bring to our ears the clash of resounding arms. . . . Why stand we idle? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery! Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!"

In form, the acts of such conventions were only "recommendations"; but local committees enforced them as law, and war soon forced these irregular governments to assume the forms as well as the powers of regular governments. Between the elections for the Second Continental Congress and its meeting, General Gage, commander of the British troops in Boston, tried to seize Massachusetts military stores at Concord—and called from "embattled farmers" "the shot heard round the world" (April 19, 1775). Gage had sown dragon's teeth. From New England's soil twenty thousand volunteers sprang up to besiege him in Boston.

This was the situation when the Second Continental Congress (chosen many weeks earlier) met on May 10. The members, like those of the First Congress, had been elected, not as a legislature, but to formulate opinion, and to report their recommendations back to their colonies for approval. But the war changed all that. A central government was imperative; and the patriot party everywhere recognized the Congress as the only agent to take that place. For the first five weeks, Congress continued to pass recommendations only. But June 15 it adopted the irregular forces about Boston as a Continental army, and appointed George Washington commander in chief.

The Revolution in government, however, was not one move-

ment. It was a whirl of thirteen state revolutions within this Continental revolution. During these same five weeks, or shortly thereafter, a third series of provincial conventions avowed themselves the governments for their respective commonwealths—appointing committees of safety (in place of the royal governors, who had been arrested or driven out) and assuming the *forms* as well as the powers of legislatures.

The development in Virginia is typical. The story of the First and Second Conventions in that province has been briefly outlined; pages 216, 221. The Second, before adjourning in March, had recommended the counties at once to choose delegates to a Third Convention to represent the colony *for one year*. Governor Dunmore forbade the elections to this Third Convention as “acts of sedition,” but they passed off with regularity. Meantime, the governor called an Assembly, to consider a proposal from Lord North, intended to draw Virginia away from the common cause. Instead of accepting this, the Assembly gave formal sanction to the acts of the Continental congresses and Virginia conventions. In the squabbles that followed, Dunmore took refuge on a British man-of-war. The Assembly strenuously “deplored” that their governor should so “desert” the “loyal and suffering colony,” and adjourned, June 24. This ended the last vestige of royal government in Virginia. Three weeks later, the Third Convention gathered at Richmond (cf. page 221) and promptly began to give all “bills” three readings and to enact them as ordinances instead of merely adopting “recommendations.” It also elected a central committee of safety and appointed a colonial treasurer and other needful officials. In the winter of 1776 it dissolved, after ordering the election of a new body, fresher from the people, to act on the pressing questions of independence and of a permanent state government.

Further progress in organizing state governments had become intertwined with the question of independence. The

loyalists early began to accuse the patriots of aiming at independence, but, until some months after Lexington, the patriots vehemently disavowed such "villainy," protesting enthusiastic loyalty to King George. They were ready to fight—but only as Englishmen had often fought, to compel a change in "ministerial policy." Otis, Dickinson, Hamilton, in their printed pamphlets, all denounced any thought of independence as a crime. Continental congresses and provincial conventions solemnly repeated such disclaimers. In March, 1775, Franklin declared that he had never heard a word in favor of independence "from any person drunk or sober." June 26, after becoming commander of the American armies, Washington assured the New Yorkers that he would exert himself to establish "peace and harmony between the mother country and the colonies." In September, 1775, Jefferson was still "looking with fondness towards a reconciliation," and John Jay asserts that not until after that month did he ever hear a desire for independence from "an American of any description." For months after Bunker Hill, American chaplains, in public services before the troops, prayed for King George, and, for long, Washington continued to refer to the British army merely as the "ministerial" troops. Even in February, 1776, when Gadsden in the South Carolina convention expressed himself in favor of independence, he aroused a storm of dismay and found no support. A month later still, Maryland instructed her delegates to the Continental Congress not to consent to any proposal for independence.

But the years of agitation had sapped the ties of loyalty more than men really knew, and a few months of war broke them wholly. In the fall of 1775, the king refused contemptuously even to receive a petition for reconciliation from Congress, and soon afterward he sent to America an army of "Hessians" hired out, for slaughter, by petty German princelings. Moreover, it became plain that, in order to resist England, the colonies must have foreign aid, and no foreign power

could be expected to give us open aid while we professed ourselves English colonies.

Thus, unconsciously, American patriots grew ready to change front. Then in January, 1776, came Thomas Paine's daring and trenchant argument, *Commonsense*. This fifty-page publication, in clarion tone, spoke out what the community hailed at once as its own unspoken thought. One hundred and twenty thousand copies sold in three months—one for every three families in America! At first the author's name was not given, and the booklet was commonly attributed to one of the Adamses or to Franklin. Paine was a poor English emigrant, of thirteen months before, whom Franklin had befriended for the "genius in his eyes." A few lines may represent his terse style:

The period of debate is closed. Arms . . . must decide. . . . By referring the matter from argument to arms, a new era in politics is struck. . . . All plans . . . prior to the nineteenth of April are like the almanacs of last year. . . .

Where, say some, is the king of America? I'll tell you, friend. He reigns above, and doth not make havoc of mankind, like the royal brute of Britain. . . . A government of our own is our natural right. . . . Freedom has been hunted round the globe. Asia and Africa have long expelled her. Europe regards her like a stranger; and England has given her warning to depart. O, receive the fugitive, and prepare in time an asylum for mankind!

Meantime, several colonies had applied to Congress for counsel, in the disorders of the fall of 1775. The reply to the provincial convention of New Hampshire "recommended" that body "to call a full and free representation of the people . . . [to] establish such a form of government as in their judgment will best produce the happiness of the people and most effectually secure peace and good order in that province, during the continuance of the present dispute between Great Britain and the colonies." Under such advice, early in 1776, New Hampshire and South Carolina each set up a *provisional*

constitution. These documents, however, did not avow independence. They declared themselves temporary, and referred always to the commonwealths not as states, but as "colonies."

But May 15, 1776, Congress took more advanced action. It recommended the "assemblies and conventions" of all colonies, "where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such a government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general." Nothing was said this time to imply a merely temporary arrangement. Two days later, in a letter to his wife, John Adams hailed this action (for which he had been the foremost champion) as "a total, absolute independence . . . for such is the amount of the resolve of the 15th."

Virginia had not waited for this counsel. The Fourth Virginia Convention (page 223) met May 6, 1776, and turned at once to the questions of independence and of a constitution. The only difference of opinion was: Should Virginia, standing alone, declare herself an independent state and frame a constitution for herself? Or should she try to get the Continental Congress to make a declaration and to suggest a general model of government for all the new states? Plans were presented, representing each of these views. On May 15, after much debate, the convention determined upon a middle plan. Unanimously it instructed its representatives in Congress to move there immediately for a general Declaration of Independence; and it appointed committees to draw up a constitution at once for Virginia herself as an independent state. This was done some days before the recommendation of Congress for state constitutions was known in Virginia.

The "Bill of Rights" (the first part of the Virginia constitution) was reported by the committee May 27, and adopted by the convention June 12. The "frame of government" was

adopted June 29. To it at the last moment was prefixed a third part of the constitution, a declaration of independence for Virginia, earlier than the Continental Declaration.

The Virginia Bill of Rights was the first document of the kind in our history, and it remains one of our greatest state papers. Three or four states at once copied it, and all the bills of rights during the Revolutionary period show its influence. Some provisions, such as those against excessive bail, cruel or unusual punishments, arbitrary imprisonment, and the like, go back to ancient English charters, even for their wording. Recent grievances suggested certain other clauses—the prohibition of “general warrants” (page 185), the insistence upon freedom of the press, and the emphasis upon the idea that a jury must be “of the vicinage” (page 207).

More significant still, this immortal document opens with a splendid assertion of human rights. English bills of rights had insisted upon the historic rights of Englishmen, but had said nothing of any rights of man: they protested against specific grievances, but asserted no general principles. Such principles, however, had found frequent expression in English literature, and thence had become household phrases with American political thinkers. Now, these fundamental principles, upon which American government rests, were written by George Mason into this Virginia bill of rights—a fact which distinguishes that document from any previous governmental document in the world. Two weeks later, Jefferson incorporated similar principles, clothed in phrase both more eloquent and more judicious, in the opening paragraphs of the Continental Declaration of Independence. Among the principles of the Virginia document are the statements:

That all men are by nature equally free<sup>1</sup> and independent, and have certain inherent rights. . . .

<sup>1</sup> According to Edmund Randolph, the phrase “equally free” was objected to as inconsistent with slavery. Such objectors were quieted with the amazing assurance that slaves, “not being constituent members of our society,” could never pretend to any benefit from such a maxim. In Massachusetts, similar

That all power is . . . derived from the people.

That government is, or ought to be, instituted for the common benefit of the people . . . and that when any government shall be found inadequate . . . a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it. . . .

That no free government, or the blessings of liberty, can be preserved . . . but . . . by frequent recurrence to fundamental principles.

That . . . all men are equally entitled to the free exercise of religion, according to the dictates of conscience.

June 7, soon after the Virginia instructions of May 15 reached Philadelphia, the Virginia delegation in the Continental Congress moved that the united colonies be declared "free and independent States." Brief debate followed; but action was postponed, to permit uninstructed delegates to consult their Assemblies. Meantime, Congress appointed a committee to prepare a fitting "Declaration" for use if the motion should prevail. Happily, it fell to Thomas Jefferson to pen the document; and his splendid faith in democracy gave the Declaration a convincing eloquence which has made it ever since a mighty power in directing the destiny of the world.

By July 1, all delegations except New York's had either received positive instructions to vote for independence or had at least been released from former restrictions against doing so, and the matter was again taken up in Congress. The first vote was divided, but on the next day (July 2) the motion for independence was carried by the vote of twelve states. The formal Declaration, reported by the committee, was then considered in detail, and adopted on July 4. On the 9th, a new provincial congress for New York gave the assent of that state.

The delegates from New York had written home for instructions June 10, but the Third New York Convention replied words in her bill of rights of 1780 were held later by her courts to have abolished slavery within her limits, though that result was not thought of when the clause was adopted.

that it could not presume to give authority. It did, however, call at once for the election of a Fourth Convention to act upon the matter. This was virtually a referendum, but the new convention did not meet until July 9, and so the delegates from New York at Philadelphia took no part in the votes.

John Adams regarded the vote of July 2 as the decisive step. On the 3d of July he wrote to his wife: "The second day of July, 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forever more."

Military events in 1776 were indecisive. In the spring, after nearly a year's siege, Washington forced the English out of Boston, but he was unable to prevent their occupying New York. Defeated badly at Long Island and White Plains, his sadly lessened troops withdrew through New Jersey into Pennsylvania, but a few weeks later he cheered the patriots by the dashing winter victories of Trenton and Princeton. In the darkest of the dark days before those victories, Thomas Paine thrilled America with *The Crisis*—a mighty factor in filling the levies and dispelling despondency. Pages of that pamphlet were on men's tongues, and the opening sentences are immortal: "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman."

Meantime, in the midst of war and invasion, the revolution in governments went on. Said John Adams toward the close of 1776: "The manufacture of governments is as much talked of as was the manufacture of saltpeter before." In the six

months between the Declaration of Independence and the Battle of Trenton, seven states followed Virginia in adopting written constitutions. Georgia was hindered for a time by the predominance of her Tories, and New York, because she was held by the enemy; but these states followed in 1777. The remaining three states had already set up provisional governments. In Massachusetts and New Hampshire these remained in force for several years (until 1781 and 1783), but South Carolina adopted a formal constitution in 1778.

### THE NEW STATE CONSTITUTIONS

No one of the first eleven constitutions was voted on by the people. In most cases the "conventions" that adopted them had no express authority to do so, and some of those conventions had been elected months before there was any talk of independence. For the most part, the constitutions were enacted precisely as ordinary laws were. In Virginia, Jefferson urged a referendum on the constitution, arguing that otherwise it could be repealed by any legislature, like any other statute. But this doctrine was too advanced for his state. A "union of mechanics" in New York, too, protested vigorously, but vainly, against the adoption of a constitution by a provincial convention without "the inhabitants at large" being permitted to "exercise the right God has given them . . . to approve or reject" it.

In New England, on the other hand, thanks to the training of the town meeting, the sovereignty of the people was understood by every artisan and farmer, as elsewhere only by lonely thinkers. (The New York "mechanics," just quoted, were mainly of New England birth or descent.) The legislatures of Rhode Island and Connecticut did adopt the old charters as constitutions (without change), without reference to the people, because it was held that the people had already sanctioned them by long acquiescence. But in New Hampshire

and Massachusetts, where new constitutions were to be adopted, there was no serious thought of acting without a popular referendum. Indeed, that was not enough. The people of these states demanded also a popular initiative in the matter.

The genesis of this new American method is worth a brief survey. Throughout the summer of 1776, Massachusetts papers and pamphlets teemed with projects for a new government. Some of these were fantastic enough to give delight to critics of democracy. One "farmer" published a constitution of sixty articles, which, he boasted modestly, he had prepared for the commonwealth "between the hours of 10 A.M. and 2 P.M." Opposition to any executive was common—one town voting "that it is Our Opinniun that we do not want any Goviner but the Guviner of the univarse and under him a States Ginerall to Consult with the wrest of the united stats for the good of the whole."

September 17, the Assembly asked the towns to authorize it to prepare a constitution, "to be made public for the inspection and perusal of the inhabitants, before the ratification thereof by the Assembly." This would have let the people only make suggestions. Various towns at once voted to resist the movement until—in the words of a Boston resolution—the people should elect "a convention for this purpose *and this alone*." Still the next year (May 5, 1777), the expiring Assembly recommended that its successor should be empowered, at the elections, to make a constitution. Many towns again refused assent. None the less, the new Assembly did venture to submit a constitution to the vote of the towns (February, 1778), but less than a tenth of the towns approved the document!

At last the Assembly was converted. It now asked the towns to vote at the next election whether they would empower their delegates in the coming Assembly to call a convention for the sole purpose of forming a constitution. The responses were favorable, and a convention was called for September 1, to be

chosen as regular Assemblies were. That body drew up a constitution which (March 2) was submitted to the towns. More than two-thirds the towns voted to ratify; and in June, 1780, the constitution went into effect.

In New Hampshire a like method was followed; and, after three plans had been rejected, a constitution was ratified in 1783. It was many years, however, before this method became general outside New England.



The thirteen constitutions were strikingly alike. This was due mainly to the similarity between the preceding colonial governments, but in part to a remarkably active interchange of ideas among the leaders during the spring and summer of 1776. Before the Fourth Virginia Convention, Patrick Henry corresponded freely with the two Adamses. Members of Congress at Philadelphia constantly discussed forms of government at informal gatherings; and, on several occasions, delegates from distant colonies returned home to take part in constitution-making.

All the constitutions were "republican," without a trace of hereditary privilege. Nearly all safeguarded the rights of the individual by a distinct bill of rights. Most of them formally adopted the English Common Law as part of the law of the land. Except in Pennsylvania and Georgia (the two youngest states) the legislature had two Houses. Pennsylvania kept a plural executive—a council with one member designated as "president"—but elsewhere the revolutionary committees of safety gave way to a single "governor" or "president." The governors, however, had less power than the old colonial governors. The people did not yet clearly see the difference between trusting an officer chosen by themselves and one appointed by a distant king. New York and Massachusetts, however, (the eleventh and twelfth states to adopt constitutions) had had time to learn the need of a firm executive, and strength-

ened that branch of government somewhat, though they left it weaker than is customary today. These two states also placed the election of the governor in the hands of the people directly. That was already the case in Connecticut and Rhode Island under the colonial charters. Everywhere else the executive was appointed by the legislature.

Everywhere the legislature overshadowed the two other branches of government. The judiciary, like the executive, was usually chosen by the legislature, and in many cases was removable by executive and legislature without formal trial. No one yet foresaw, in anything like its modern extent, the later power of the judiciary to declare legislative acts void. The old executive check upon the legislature, the absolute veto, nowhere appeared. Only two states devised the new qualified veto, to be overridden by two thirds of each House, which has since become so common. New York gave this veto to governor and judiciary acting together, in a "revisionary council"; Massachusetts gave it to the governor alone.

Religious discrimination was common. "Freedom of worship" was generally asserted in the bills of rights; but this did not imply our modern separation of church and state. Officeholding in several states was restricted to Protestant Christians, and some states kept a specially favored ("established") church. The Massachusetts bill of rights provided that all citizens should be taxed for church support, but that each man should have the right to say to which church in his town or village his payment should go. Most places in Massachusetts, however, had only a Congregational church, which, therefore, was maintained at public expense. Connecticut had a similar plan.

Today it is customary to say that the most important clause in any constitution—"the constitutional clause"—is the one that determines how the document may be changed. But half these first constitutions had no amendment clause whatever. The omission was due partly to the political inexperience of

that day; partly to the vague expectation that, on occasion, by a sort of peaceful revolution, the people would "recur to fundamental principles" in much the same way as in creating the original instruments. Even when an attempt was made to define a method of amendment, the result was in most cases unsatisfactory. In South Carolina the legislature gave ninety days' notice (that public opinion might be known), and then acted as in passing any law. In Maryland, an amendment became part of the constitution if passed by two successive legislatures. In Delaware and Pennsylvania, on the other hand, the method adopted was so complicated and difficult as to amount, in practice, to prohibition upon constitutional change—so that new constitutions at last had to be adopted unconstitutionally. Only Georgia and Massachusetts provided for calling constitutional conventions in modern fashion.

Each of the thirteen states excluded a large part of even the free white males from voting. Some gave the franchise only to those who held land, and most of the others demanded the ownership of considerable taxable property of some kind as a qualification. Even such democratic states as Pennsylvania, New Hampshire, Georgia, and North Carolina permitted only taxpayers to vote.<sup>2</sup> The country over, probably not one white man in four held even the lowest degree of the suffrage. Democracy was more praised than practiced.

Another effective aristocratic device was to set up *graded* qualifications for political rights. In some states a man had to have more property to vote for the upper than for the lower House of the legislature. In several others, the upper House was chosen by the lower. In Massachusetts, all men who could vote for one House could vote for the other also, but in choosing the Senate, the votes were so apportioned that a rich man

<sup>2</sup> These four states recognized clearly that democracy demands education. They all put into their constitutions a provision for encouraging public education. It should be added that Pennsylvania and Georgia were a trifle more liberal with the franchise than the compact statement in the text would indicate. The first gave the suffrage to the grown-up sons of freeholders, and the second to certain classes of skilled artisans, whether taxpayers or not.

counted for several poor men: the richer any part of the state, the more senatorial districts it had. North Carolina pretty well lost her democracy in these gradations: to vote for a representative, a man had only to be a taxpayer; but to vote for senator, he must own 50 acres of land; *to sit* as representative, he must have 100 acres; as senator, 300 acres; and as governor, £1,000 in real estate.

Here were four ingenious checks upon a dangerously encroaching democracy: (1) an upper House so chosen as to be a stronghold for the aristocracy; (2) indirect election of the executive and judiciary; (3) property qualifications, sometimes graded, for voting; and (4) higher qualifications for holding office. All these devices had been developed in the colonial period. On the whole, the new states weakened them (and no state increased them); but every state retained some of them.

This suggests also a curious fact regarding our state Senates. In the seventeenth century, aristocracy was so strong that the aristocratic "Council" (whether elected as in Massachusetts, or appointed as in Virginia) dominated a one-House Assembly. The change to two Houses was set in motion everywhere by the democratic element, as a step toward greater freedom of action (pages 48, 88). But when we reach the Revolution, democracy has gained power, and it was the aristocracy which then preserved the two-House system, in order that property and station might intrench themselves safely in the upper House if compelled to surrender the other one.

Vermont, it is true, was a real democracy, but she was not one of the thirteen colonies, nor did she become a state of the Union until 1791. Her territory had belonged to New York and New Hampshire; but neither government was satisfactory to the inhabitants—who were really Connecticut and New Hampshire frontiersmen (page 178), and, during the early Revolutionary disorders, the Green Mountain districts

set up a government of their own (adopting, as their somewhat hasty statement put it, the laws of God and Connecticut "until we have time to frame better"). This "Vermont" was not "recognized" by Congress or by any state government, but, in 1777, it adopted a constitution with *manhood suffrage*.

### CONGRESS AND THE WAR

*As the soldiers marched on the seventeenth of December to their winter quarters [at Valley Forge] their route could be traced on the snow by the blood that oozed from bare, frost-bitten feet. Yet, at the same moment, . . . hogsheads of shoes, stockings, and clothing were lying at different places on the route and in the woods, perishing for want of teams.*

—JOHN FISKE.

England's task was a difficult one, even if she had had only America to deal with. Great Britain had eight million people—or about three times as many as the colonies had—but she had to wage war across three thousand miles of ocean in an age when it took eight or ten weeks to cross and when no ship carried more than four or five hundred people. The Americans, too, inhabited a large and scattered territory, with no vital centers. To conquer it, an invading army must hold much of it at one time. At one time or another, English troops held Boston, New York, Newport, Philadelphia, Savannah—but, as a rule, only one or two of them at once.

The first great danger to the colonies lay, not in England's strength, but in American disunion. The Revolution was more a civil war than was even the "Civil War" of 1861. In 1776, every community was divided, and neighbor warred on neighbor. In New York, Pennsylvania, and Georgia the Loyalists were probably a majority, and in the colonies as a whole they made at least every third man. They came mainly from the commercial, capitalistic, and professional classes, always timid regarding change, and from the easy-going, well-contented part of society. On the whole, they represented re-

spectability and refinement. Society was moving rapidly: not all could keep the same pace. In July, 1776, the line was drawn, and men who that month stood where Washington or Jefferson had stood seven or eight months before (page 224) were Tories.

The other great danger to America was the inefficiency of Congress. Even with every third man siding with England, if we had had a central government able to gather and wield our resources, the British armies could have been driven into the sea in six months. From their 500,000 able-bodied white males, the Americans should have put in the field an army of 100,000 men. But if we leave out the militia, which now and again swarmed out for a few days to repel a local raid, the Continental forces hardly reached a third that number at any time. For the greater part of the war, indeed, the American armies numbered only about 10,000 men, and at times they sank to 5,000. Even these few were ill-paid, ill-fed, and worse clothed—and this, not so much from the poverty of the country, as from lack of organization.

Fortunately, the English commanders were of second or third rate ability. Witty Lord North is reported to have said of them: "I don't know whether they frighten the enemy, but I am sure they frighten me." Moreover, the best of them were English Whigs who for years, before the war, in and out of Parliament, had ardently opposed the policy of King George and Lord North toward America. This was particularly true of William Howe, commander of the British forces in the early part of the war, as it was also of Lord Cornwallis at the close. As a soldier, Howe undoubtedly meant to serve his country (though at first he had declined the command, yielding at last only to the king's wish), but he made no secret of his belief that the best way for him to serve it was, not to crush the Americans, but rather to bring them to a point where they would be willing to return to their old place in the empire, with proper guaranties for their liberties.

Among the Americans, the war developed some excellent generals of the second rank—Greene, Arnold, Marion—but many officers were incompetent or self-seeking or treacherous. After the first months, the faithful endurance of the common soldier was splendid. Said one observer, "Barefoot, he labors through Mud and Cold with a Song in his Mouth, extolling War and Washington." Yet at times even this soldiery was driven to conspiracy or open mutiny by the jealous unwillingness of Congress to make provision for their needs in the field or for their families at home.

Out of all this murkiness towers one bright and glorious figure. Pleading with Congress for justice to his soldiers, shaming or sternly compelling those justly dissatisfied soldiers to their duty, quietly ignoring repeated slights of Congress to himself, facing outnumbering forces of perfectly equipped veterans when his own army was a mere shell, Washington, holding well in hand that fiery temper which still, on occasion, could make him swear "like an angel from heaven," was always great-minded, dignified, indefatigable, steadfastly indomitable; a devoted patriot; a sagacious statesman; a consummate soldier, patient to wait his chance and daring to seize it: the one indispensable man of the Revolution. And it is essential, too, if we would truly visualize that heroic figure, that we strive valiantly against the all-dominating influence of the Stuart Washington upon our minds. That painting, so far as true at all, belongs to a period some twenty years later than the crisis of the Revolution—a Washington stiffened by age, with face deformed by ill-fitting false teeth. The Washington who saved his country in the Revolution was rather the man of forty-five shown in Peale's too-little known painting of the Valley Forge days themselves—stately and gracious, to be sure, but with all the vigor and practically all the beauty and charm of youth still pervading face and frame.



*George Washington*

BASED UPON A PORTRAIT BY  
PEALE, PAINTED AT VALLEY

FORGE. IT SHOWS THE WASHINGTON WHO WON THE REVOLUTION.

The best excuse for the misrule of Congress was its real weakness and its consequent feeling of irresponsibility. In all internal matters, it was limited to recommendations, and the states grew to regard its requests more and more lightly. It *asked* men to enlist, offering bounties to those who did so, but often it found its offers outbid by the state governments to increase their own troops. It had no power to draft men into the ranks: only the state governments could do that. So, too, in the matter of finances. *Congress could not tax*: it only called on the states for contributions—in a ratio that had been agreed upon.

Such contributions, even when reinforced by the loans from France, were not more than half of the amount necessary to carry on the war. So, from the beginning, Congress was forced to issue paper money. Each scrap was merely an indefinite promissory note from Congress to "bearer." In five years, printing presses supplied \$241,000,000 of this "Continental currency" (so styled to distinguish it from the almost equal amount of similar state issues), but owing to the swift depreciation, this amount bought for Congress only some \$50,000,000 worth of services and supplies.

Congress itself had no power to compel citizens to take this currency, but the states were all persuaded to make it legal tender. The people, however, had little confidence in the promise to repay. In 1778, a dollar would buy only twelve cents' worth of goods. In 1781, Thomas Paine paid \$300 for a pair of woolen stockings, and Jefferson records a fee of \$3,000 to a physician for two visits. "Not worth a continental" became a byword. Before the close of the war, this currency ceased to circulate except as speculators bought it up, at perhaps a thousand dollars for one in coin. A mob used it to "tar and feather" a dog; and we are told of an enterprising barber who papered his shop with Continental notes.

All this meant a reign of terror in business. Men who, in 1775, had loaned a neighbor \$1,000 in good money were com-

pelled, three or four years later, to take in payment a pile of paper almost without value, but named \$1,000. Prices varied fantastically from one day to another, and in neighboring localities on the same day. Wages and salaries rose more slowly than prices (as is always the case), and large classes of the people suffered exceedingly in consequence.

But it must be remembered that this "cheap money" was the only money Congress could get. If a "note" had ever been repaid, it would have been in reality a "forced loan." Since it never was repaid, it amounted to a "tax," or a confiscation of private property for public uses,—the tax being paid, not by one man, but by all the people through whose hands it passed. "A" sold a horse to the government for one hundred dollars in paper currency; when he passed the paper on to "B," he received perhaps only ninety dollars in value for it. Ten dollars had been taken from him by tax, or confiscation. "B" perhaps got only seventy dollars' worth for the money; so he had been "taxed" twenty dollars. The government had secured the horse for a piece of paper, and eventually the horse was paid for by the various people in whose hands the paper depreciated. Such taxation was horribly wasteful and demoralizing, but it was the only kind of tax to which the people would have submitted in the amount required. Without the paper money, the Revolution could not have been won.



The plan of this volume forbids any narration of campaigns—or even of the most tempting instances of individual heroism. The critical years were 1777 and 1778. In 1777, Howe invaded Pennsylvania. Washington maneuvered his inferior forces admirably. He retreated when he had to; was robbed of a deserved victory at Germantown only by a mixture of chance and a lack of veteran discipline in his soldiers; and, after spinning out the campaign for months, went into winter quarters at Valley Forge—then to grow famous for heroic

suffering. Howe had won the empty glory of capturing "the Rebel Capital"—where he now settled down to a winter of feasting and dancing—but Washington had decoyed him from his chance to make safe Burgoyne's invasion from Canada and so crush the American cause. Lacking the expected coöperation from the south, Burgoyne proved unable to secure the line of the Hudson and was forced to surrender to the incompetent Gates.

This capture of an entire English army turned the wavering policy of France into firm alliance with America against her ancient rival. From the first, the French government had furnished the Americans with money and supplies, secretly and indirectly; and many adventurous young noblemen like Lafayette, imbued with the new liberal philosophy of Rousseau, had volunteered for service under Washington. Franklin had been acting as the American agent in Paris for some months without formal recognition. Now he quickly secured a treaty of alliance that recognized the independence of the United States. The possessions of the two allies in America were mutually guaranteed, and it was agreed that peace with England should be made only after consultation and approval by both allies.<sup>3</sup> France drew Spain in her train; and, soon after, England quarreled with Holland.<sup>4</sup> Without an ally, England found herself facing not merely her own colonies, but the three greatest naval powers of the world (next to herself), while most of the rest of Europe, under the lead of Russia, held toward her an attitude of "armed neutrality"—which meant instant readiness for hostility.

In America, however, the darkest months of the war were those between the victory over Burgoyne and the news of the French alliance. The first flush of enthusiasm was spent. The

<sup>3</sup> Large sections of the French people felt a genuine enthusiasm for America, but to the despotic French government the alliance was purely a "League of Hatred." Especially did the French government fear that if England and her colonies again united, they would do away with all occasion for the troublesome "Sugar Act" by seizing the French West Indies.

<sup>4</sup> Spain and Holland were never our allies: they were the allies of France.

infamous Conway Cabal (among officers and Congressmen) threatened to deprive the country of Washington's services. Nearly a fifth of the starving army deserted to the well-fed enemy in Philadelphia, and another fifth could not leave their winter huts for want of clothing. Washington himself, as his private letters show, was so depressed by "the spirit of disaffection" in the country that he felt "the game is pretty near up." The paper money, issued by Congress in constantly increasing volume—the chief means of paying the soldiers and securing supplies—was nearly valueless. Foreign trade was impossible because England commanded the sea; and domestic industry of all sorts was at a standstill because of the demoralization of the currency. To large numbers of patriots, even the news of the new ally was of doubtful cheer. Many began to fear that they had only exchanged the petty annoyances of English rule for the slavery of French despotism and of the Spanish Inquisition.

The news of the treaty, however, did compel the English commander to evacuate Philadelphia and withdraw to New York, where he was beleaguered by Washington's insufficient forces. Thereafter, no British army of consequence appeared in the field in the northern states. Except for minor operations, the war was transferred to the South, with swift alternations of success and failure. In both North and South, after the summer of 1778, the struggle took on a new character. It became a "war of desolation"—a succession of sudden raids,<sup>5</sup> to harry and distress a countryside or to burn a town or port,

<sup>5</sup> A terrible feature of some of these raids was the use of Indian allies by the English. It must be remembered, however, that the Americans had first tried to secure such allies. Both Washington and John Adams had favored their enlistment. Montgomery had some Indians in the army with which he invaded Canada, and there were a few in the American army besieging Boston in 1775. It had been intended to use the friendship of the natives for the French in order to draw them into a force under Lafayette. Indians had been used by both sides in America in all the intercolonial wars, and both parties in this new contest continued their use so far as possible; but the natives saw truly that the real enemy of their race was the American settler, and therefore turned against him.

varied by occasional bloody and vindictive combats like those at Cowpens and King's Mountain.



The Loyalists who had been driven from their homes in Boston and Philadelphia with the retirement of the British forces, together with those living near the British stronghold of New York, enrolled themselves in large numbers under the English flag. New York State alone furnished 15,000 recruits to the English army, besides 8,000 more Loyalist militia. At some important periods more Americans were under arms against independence than for it. Because of their knowledge of the country, these Tory troops were used freely in harrying expeditions. In consequence, the attitude of the Whig governments, state and local, toward even the passive sympathizers with England, became ferocious. Those unhappy men who had long since been deprived of their votes were now excluded from professions and many other employments, forbidden to move from place to place, ruined by manifold fines, drafted into the army, imprisoned on suspicion, sometimes deported with their families in herds to distant provinces, and constantly exposed to horrible forms of mob violence. If they succeeded in escaping to the British lines, their property was confiscated (oftentimes to enrich grafting speculators at corruptly managed sales), and they themselves, by hundreds at a time, were condemned to death in case of return or recapture—not by judicial trials, but, without a hearing, by bills of attainder.<sup>6</sup> In 1778, Massachusetts, by one Act, banished 310 “peaceful” Tories. More than sixty of these were Harvard graduates, and the list, says that sturdy American, Moses Coit Tyler,

<sup>6</sup> Such bills had been used occasionally in English history, but by our Constitution of 1787 they are wholly forbidden. Until the adoption of that instrument, however, many states did pass such bills against prominent Tories—sometimes against great numbers at once. An attempt was made in the Virginia bill of rights to prohibit bills of attainder, but Patrick Henry urged that they might be indispensable in that time of war. Some states did incorporate the prohibition in their first bill of rights.

reads "like the bead-roll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization." In all, some 35,000 American Loyalists sought refuge in Canada—making parts of it English for the first time.

Seemingly, the war had settled down to a test of endurance. Campaigns in Europe and the West Indies drained England's resources, glorious though the results were to her arms against those tremendous odds. Meantime, in America, Congress kept its sinking finances afloat by generous gifts and huge loans from France. The army, however, was dangerously discontented. Desertions to the enemy rose to a hundred or even two hundred a month.

Suddenly an unexpected chance offered. Washington, ever ready, grasped at it, and this time no evil fate intervened. With the indispensable coöperation of the French army and fleet, Cornwallis and his army were cooped up in Yorktown. With his surrender (October 19, 1781) war virtually closed, though peace was not signed for many months.

While peace negotiations dragged along in Europe, came one more famous episode in America. This was Washington's "Newburg Address." The pay of the army was years behind, and Congress showed no wish to settle the matter. Taking advantage of the soldiers' bitter discontent, a group of officers in the camp at Newburg formed a plan to get better government by making Washington king. This proposition Washington at once repulsed, with grieved anger; but still an anonymous committee called a meeting of officers to find some way of forcing Congress to act while the army still had arms in their hands. A conflict that would have sullied the beginning of the new nation's career was averted only by the tact and unrivaled influence of Washington. He anticipated the meeting of the officers by calling an earlier one himself, at which he prevailed upon their patriotism to abandon all forms of armed compulsion. Then he did finally induce Congress to pay the

soldiers five years' salary, not in Continental currency, but in government certificates, worth perhaps twenty cents on the dollar—a meager return, but perhaps all that the demoralized government was equal to.

### THE PEACE TREATY OF 1783

The negotiations for peace were carried on from Paris, with Franklin, John Jay, and John Adams to represent the United States. In spite of King George, the fall of Yorktown overthrew Lord North's ministry, and the new English government contained statesmen friendly to America, such as Fox, Rockingham, and Shelburne (page 196). This fact and the remarkable ability of the American negotiators resulted in a treaty marvelously advantageous. England could not well avoid conceding American independence, but Shelburne meant to do it in generous fashion. He intended "not merely peace," he said, but "reconciliation with America, on the noblest terms and by the noblest means."

The critical question concerned territory. Just before the war, a few Virginians had crossed the western mountains to settle in fertile lands between the Ohio and Cumberland rivers, in what we now call Kentucky and Tennessee, and during the war itself many thousands more had established homes in that region. From the Kentucky settlements, George Rogers Clark, with a Virginia commission, in incredibly daring campaigns (1778-1779), had captured from England the old French posts Kaskaskia, Cahokia, and Vincennes (map, page 143).

While preparing for this expedition in 1777, Clark had received a letter of encouragement from Thomas Jefferson (then governor of Virginia), who, even so early, felt keenly the importance of the West. "Much solicitude," he wrote, "will be felt for the outcome of your expedition. . . . If successful, it will have an important bearing in establishing our northeastern boundary." This prophecy was now fulfilled.

The conquered district contained only French settlers, but it had been organized, like Kentucky, as a Virginia county. The Americans, therefore, had ground for claiming territory to the Mississippi, and such extension of territory was essential to our future development. England, however, at first expected us to surrender this thinly settled western region in return for her evacuation of New York, Charleston, and Savannah. Moreover, France and Spain secretly intended that the treaty should shut up our new nation between the Atlantic and the Appalachians, leaving the southwest to Spain and the Indians, and handing back to England the northwest, which legally had been part of Canada (page 213). France had no desire to injure America, but she had no objection to keeping it weak and dependent upon her favor, and she did wish to gratify Spain, whom she had dragged into the war.

The American negotiators now found themselves seriously hampered by their instructions from Congress to act only with the advice of Vergennes, the French Minister. Indeed, by the treaty of 1778, the Americans were bound to make no peace without the consent of France. But Jay and Adams suspected Vergennes of bad faith, and finally persuaded their colleague to join them in disregarding the instructions from Congress—though not the treaty obligation. The story goes, that while Franklin and Jay were discussing the situation, Franklin asked in surprise, "What! would you break your instructions?" "As I break this pipe," said Jay, throwing that implement into the fireplace. Franklin had rendered incalculable diplomatic service to his country, but his long and intimate relations with the French government, and possibly his age, unfitted him for an independent course in this crisis—so that it is well he had more unconventional associates. At all events, with patriotic daring, the American commissioners did enter into secret negotiations with England, and secured terms which Vergennes could not well refuse to approve when the draft of the treaty was placed before him.

By this Treaty of 1783, England acknowledged the independence of the United States, and also ceded all claim to the territory west of the Appalachians as far as to the Mississippi, reaching from the Great Lakes to Florida. (Florida



**NORTH AMERICA**  
After the Treaty of 1783

For the unexplored Northwest the boundaries between Spanish, British, and Russian claims had not been as closely defined as the above map might suggest. (Cf. maps on pages 418, 461.)

had already fallen again into the hands of Spain.) The United States thus acquired complete title to a new western tract larger by a third than all the old territory east of the mountains.

England also gave up without consideration, not only the sea-coast cities she held, but also the Northwest posts, which had

never been seen by an American army, and she granted to the Americans the right to share in the Newfoundland fisheries, from which other foreign nations were shut out. In return, the American Congress recommended to the various states a reasonable treatment of the Loyalists, and promised solemnly (a matter which should have gone without saying) that no state should interpose to prevent Englishmen from recovering in American courts the debts due from Americans before the war. No wonder that the chagrined Vergennes wrote: "The English buy the peace, rather than make it. . . . Their concessions regarding boundaries, fisheries, and the Loyalists exceed anything I had thought possible."

The American negotiators had told the English commissioners frankly that the "recommendation" regarding the Loyalists would carry no weight, and England herself afterward appropriated large sums of money to compensate partially that unfortunate class of exiles.

There was a disgraceful twelve-year delay, however, in carrying out some of the express provisions of the treaty. When the English sailed away from America, they carried with them several hundred negroes—to whom, during the war, they had promised freedom in return for camp work. To American slave owners this seemed as unjustifiable as carrying off any other private property would have been—though today it is hard to see how an honorable English commander could very well have surrendered those fugitives to their old masters. At all events, our states made this a pretext for our breaking the pledged faith of Congress on one of the most reasonable articles of the treaty and passed law after law to prevent British creditors from recovering pre-Revolutionary debts by suing in our state courts.

We had not at first been ready to take over the distant posts among the Indians of the Northwest (Detroit, Fort Niagara, and five minor places; map, page 143), and when we

did wish to take them, England refused to surrender them. Her pretext was our infraction of the treaty regarding old debts. But documents recently opened to historical study prove that, almost as soon as the treaty was signed, instructions had been given (by a new ministry) to hold the posts as long as possible, in order apparently to retain the Northwest fur trade. All these matters were to be adjusted finally in the Jay Treaty of 1794.



The "Revolution" covers twenty years, twelve of wrangling and eight of war (1763-1775, 1775-1783). It created the first American state. It helped to make the colonial policy of all European countries more enlightened. It "laid the foundation for the French Revolution," as Arthur Young said in 1789, and so helped modify profoundly the internal character of Europe. It made it impossible for king and ruling oligarchy in England much longer to delay Parliamentary reform, and so helped tremendously to start England herself—a little later—on her splendid march toward democracy. Whatever their blunders, the Americans had "warred victoriously for the right in a struggle whose outcome vitally affected the whole human race."

With a generosity possible only to a great people, the English have long recognized this truth, and, with amazing frankness and emphasis, have taught it to their children, even in the elementary schools, for fifty years past. The more recent erection of a statue of George Washington in a prominent London square bears like witness.

Perhaps it is a trifle easier for Englishmen to take this attitude because, after all, England came out of the Revolutionary War with military glory little tarnished. She had been fighting all Europe as well as America, and only in America had the struggle gone against her. Says Theodore Roosevelt: "Eng-

land, hemmed in by the ring of her foes, fronted them with a grand courage. In her veins the Berserker blood was up, and she hailed each new enemy with grim delight. Single handed, she kept them all at bay. . . . So with bloody honor, she ended the most disastrous war she had ever waged.”

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## Part Four

### The Making of the Second West

*The West is the most American part of America. . . . What Europe is to Asia, what England is to the rest of Europe, what America is to England,—that the western States and Territories are to the eastern States.*

—JAMES BRYCE

.



*Daniel Boone*

"I FEEL MYSELF ORDAINED OF  
GOD TO SETTLE THIS WILDER-

NESS."—(FROM A STATEMENT BY BOONE ON HIS RETURN FROM HIS  
FIRST "LONG HUNT" IN KENTUCKY.)

## CHAPTER XII

### THE SOUTHWEST: SELF-DEVELOPED

THE Peace of 1783, we have just noted, more than doubled the area of the original United States by adding a vast region between the Appalachians and the Mississippi. Twenty years before, when that western district passed first from France to England (page 144), some six thousand French settlers remained there, in three nearly equal and widely separated groups: (1) about Detroit; (2) near Vincennes on the Wabash; (3) at the "Mississippi towns," Kaskaskia and Cahokia (map, page 143).

For several years more these were the only white settlers. True, the whole district had been included in old English grants to the seaboard colonies; but as soon as England got control, a Royal Proclamation forbade English-speaking colonists to settle west of the mountains. Then, in 1774, parliament annexed the territory, as far south as the Ohio (including all the French settlements just named), to the old French province of Quebec (page 213). The government dreaded Indian wars—sure to follow the advance of the frontiersman—and it was influenced also by commercial companies that wished to keep the vast Mississippi valley as a fur-trade preserve.

But even had England remained in control, the attempt to shut out English-speaking settlers was doomed to certain failure. How the Scotch-Irish and Germans had made a first "West" in the long valleys of the Appalachians soon after 1700, has been told. A half-century or so later, their Americanized sons and grandsons were ready to make a second and greater West in the eastern half of the valley of the Mississippi. Those restless border farmers had begun to feel crowded in their narrow homes. For some years, stray hunters, who had

ventured as far west as the great river, stirred the Appalachian frontier with romantic stories of the wonders and riches of the vast central basin, and just before the Revolution a few hardy families pushed the line of American settlement across the mountains.

### DURING THE REVOLUTION

This movement into the second "West" grew all through the Revolution. It is natural for us to think of the years 1775-1783 as given wholly to patriotic war for political independence. But during just those years thousands of earnest Americans turned away from that contest to win industrial independence for themselves and their children beyond the mountains. While the old Atlantic sections were fighting England, a new section sprang into being, fighting Indians and the wilderness.

Until the Peace of 1783, settlement penetrated only into the "dark and bloody ground" between the Ohio and its southern branches. This district had long been a famous hunting ground, where Indians of the north and of the south slew the bison and one another. Frequent war parties flitted along its trails, but no tribe claimed it for actual occupation. So here lay the line of least resistance to the on-pushing wave.

The first group of settlements was in the valley of the Watauga (one of the headwaters of the Tennessee), whither in 1769 came a few Virginian frontiersmen with their families. Foremost in this migration stood two notable leaders, James Robertson and John Sevier. Robertson was a mighty hunter who had spied out the land to find a better home for his family. A backwoodsman born, he had learned "letters and to spell" after marriage, from his wife, but he was a natural leader, with splendid qualities of heart and head. Sevier was a "gentleman" of old Huguenot family and of some culture—the most dashing figure of the early frontier.

The essential thing about Watauga, however, was not its leaders, but the individuality and democracy of the whole population. No wagon roads pointed west, and it was a generation more before the white, canvas-covered wagon (afterward fa-



The Southwest, 1769-1783

miliar as the "prairie schooner") became the sign of the immigrant. At best, the early Southwest had only dim and rugged trails through the forests ("traces" blazed by the hatchet on trees). Along such trails, men, rifle always in hand, led pack-horses loaded with young children and a few necessary supplies, while the women and older children drove the few lean cattle.

By 1772, the Watauga settlers were grouped about thirteen "stations." A "station" was a stockaded fort. One side was formed usually by a close row of log huts, facing in. The remaining sides, with a log "blockhouse" at each corner, were a close fence of hewn "pickets," considerably higher than a man's head, driven firmly into the ground and bound together. Within were supply sheds for a short siege, and sometimes a

central and larger blockhouse—a sort of inner “keep.” Stockade and blockhouses were loopholed at convenient intervals for rifles. (All this arrangement, except that the loopholes in the original plan were for arrows instead of for rifles, was a curiously close though unconscious reversion to the type of a central fortified homestead reared by barbarian Teutonic chieftains some twelve hundred years earlier, when settling amid hostile native populations in Britain or Gaul.)

The fort was only for times of extraordinary danger—but it gave its name to the entire group of homes for which it made a center. The families, in ordinary times, lived each in its log cabin upon its own farm—in the center of its four hundred or its thousand acres. For many years these “farms” remained forest-covered, except for a small stump-dotted “clearing” about each cabin. The clearings nearest one another were often separated by miles of primeval forest. At the news of a serious Indian raid, all families of a “station” abandoned these scattered homes for the greater safety of the stockade. In more peaceful times, “neighbors,” from many miles around, gathered now and then to a “house-raising” for a newcomer—for to roll up into place the mighty logs that made the walls was no job for one or two men. The men of the frontier, for all their self-sufficiency, showed also at need a marked capacity for combination.

These first settlements of English-speaking men west of the mountains, be it noted, were made up of a new type of homes. New England had had its farming village; Virginia, its manorial plantation. Both were *group settlements*. The new Western district had only *individual* farm homes, each on its own farmstead, remote from all others not merely by miles but even more by manners. And this new and distinctive American type of farm home was to be the dominant and almost the sole type for all the vast expanse westward to the Pacific.

This deeply significant change has not received due attention from historians. Scattered instances of individual farm homes (set off by themselves and not part of village or manor) were not unknown in some districts of the Old World, though they were certainly exceptional in England or Germany or France. In colonial America this type of home appeared sporadically even in the tidewater regions of Virginia and Maryland: a small-farmer (perhaps an ex-servant) dwelling in his own cabin on his own holding of a hundred or of fifty acres, possibly on the very margin of a great plantation. It was this class of men, in the main, or a like class, that a little later settled the foothill regions of Virginia just east of the mountains; and there the individual type of farm home began to be more important than the community type—though some plantations also did appear. From these homes in western Virginia, and from similar homes in North Carolina, came the families who first settled the lands west of the mountains; and there the individual farm home, for the first time, was almost the only type.

All this was much more than a change in the mere external form of life. The isolation of the farm family, and also much of the individuality of the American farmer, both begin at this point—two factors that for a century to follow were determinative of many other phases of American civilization.

In 1771, the Watauga settlers were reinforced by fugitive "Regulators" from North Carolina (page 198), who, like the first comers, thought that the settlement lay in southwestern Virginia. That same summer, however, a surveyor "ran out" the southern boundary of Virginia—and found that Watauga lay in territory claimed by North Carolina. That colony, in the disorders of that time, could not well have cared for so inaccessible a section (the Carolina fugitives had come by a long detour through Virginia); nor would Watauga submit to more injustice from the Eastern counties. Instead, it decided

to set up for itself as an independent community—without reference either to mother colony or to England.<sup>1</sup>

In the following spring, therefore, the men of the thirteen forts gathered at Robertson's station in mass meeting, to organize a government. This meeting adopted Articles of Association—"a written constitution, the first ever adopted west of the mountains, or by a community of American-born freemen." (The Fundamental Orders of Connecticut had been formed, of course, by English-nurtured men.) Manhood suffrage and absolute religious freedom were main features of this social compact—amazing facts when we remember how far short of such democracy fell the Revolutionary constitutions of the Eastern states of four or five years later. A representative convention of thirteen, one from each station, chose a "court" of five members who formed the government. This body of commissioners held regular meetings and managed affairs with little regard for legal technicalities, but with sound sense. For six years Watauga was an independent political community. Then, in 1778, when the Revolution had reformed North Carolina, Watauga recognized the authority of that state and became Washington County.



A Western "colony" developed in Kentucky almost at the same time as the one on the banks of the Watauga. Among many daring hunters and Indian fighters, who, preceding settlement, had ventured from time to time into the bloody Indian hunting grounds south of the Ohio, Daniel Boone was the most famous. As early as 1760, Boone hunted west of the mountains, and in 1769 (the year Watauga was founded) he went

<sup>1</sup> Communication with Virginia was possible because the long valleys, trending to the northeast, ran near together as they entered that province. But a hundred miles of forest-clad mountains, without a trail fit even for a pack-horse, divided Watauga from the nearest settlements in North Carolina. Watauga itself lay with mountains to the west as well as to the east, but its water communication with the Mississippi justifies us in regarding it as part of the land "west of the mountains."

on a "long hunt" there with six companions. After five weeks' progress through the forest stretching continuously from the Atlantic, this little party broke through its western fringe and stood upon the verge of the vast prairies of America. They had come to the now famous "blue-grass" district of Kentucky. Hitherto (except for petty Indian clearings) American colonists had had to win homes slowly with the ax from the stubborn forest. Now before the eyes of these explorers there spread away a lovely land, where stately groves and running waters intermingled with rich open prairies and grassy meadows, inviting the husbandman to easy possession and teeming with game for the hunter—herds of bison, elk, and deer, as well as bear and wolves and wild turkey, in abundance unguessed before by English-speaking men. The prairies proper, even when reached, did not at first attract settlers. The lack of fuel and often of water more than made up for the difficulty of clearing forest land; but Kentucky offered a happy mixture, and Boone was fired with desire to settle it.

In the following months, hard on the trail of the hunters, followed various small expeditions of backwoods surveyors and would-be settlers, in spite of frequent death by the scalping knife and at the stake. Very soon the colonist learned that the Woods Indian of the West—armed now almost as well as the whites—was a far more formidable foe than the weak tribes of the coast had been. But the colonist of 1770, too, was a far more effective forest fighter than the English settler of 1620, and was not affrighted. In particular, Boone returned again and again, and, in 1773, he sold his Carolina home, to settle in the new land of promise. His expedition was repulsed, however, by a savage Indian attack, in which one of Boone's sons was killed, and the next year the opening of a great Indian War along the Virginia and Pennsylvania border ("Lord Dunmore's War") drove every settler out of Kentucky.

In the spring of 1775, permanent settlement did begin in

Kentucky. For a few months it had the form of a proprietary colony. A certain Henderson, a citizen of North Carolina, had bought from the southern Indians their rights to a great tract in central Kentucky and Tennessee. He named his proposed colony Transylvania, and secured Boone as his agent. In March and April, Boone at the head of a strong company marked out the Wilderness Road<sup>2</sup> and began to build "Boone's Fort." Henderson soon arrived with a considerable colony. But the Revolution ruined all prospect of English sanction for proprietary claims, and Henderson soon vanished from the scene. Moreover, Virginia firmly stated her ancient claims (see pages 33, 41), and in 1777 she organized "Kentucky," with its present bounds, as a county.

Kentucky already contained several hundred fighting men, and now it became the base from which George Rogers Clark conquered the Northwest. Before the close of the Revolution, the population exceeded 25,000, and when peace made Indian hostility less likely, a still larger immigration began to crowd the Wilderness Road and the Ohio.

Meanwhile Watauga had become the mother of another "colony," still farther to the west. Population had increased to some ten thousand, and some of the earlier "forts" had grown into straggling villages. At the end of ten years, this region was no longer a place for frontiersmen; and in 1779, Robertson, with some of his more restless neighbors, migrated once more to a new wilderness home in west-central Tennessee, on the bend of the Cumberland.

These "Cumberland settlements" were the third group of English-speaking colonists in the Southwest. Population thronged into the fertile district, with the usual proportion of

<sup>2</sup> This famous Wilderness Road (map, page 255) was for many years merely a narrow bridle path, through the more passable parts of the forest and across the easiest fords, leading two hundred miles from the Holston River (near Watauga) into central Kentucky. In the worse places the thick underbrush was cut out; but much of the time only the direction was blazed on trees.

undesirable frontier characters, and the settlers found it needful at once to provide a government. May 1, 1780, a convention of representatives at Nashboro adopted a constitution—which, however, was styled by the makers merely “a *temporary* method of restraining the licentious.” A few days later, this “social compact” was signed by every adult male settler, 256 in number. It provided for a court of twelve “judges,” chosen by *manhood suffrage* in the several stations. If dissatisfied with its representative, a station might at any time hold a new election (the modern “recall”). Like the early Watauga commissioners, the “judges” exercised all powers of government. The constitution, however, expressly recognized the right of North Carolina to rule the district when she should be ready, and in 1783 that state organized the Cumberland settlements into Davidson County.

#### FROM THE REVOLUTION TO 1800

In 1784, North Carolina ceded her western lands to the Congress of the Confederation, but that dilatory body never got around to accept the grant. Accordingly, the Westerners complained loudly that the mother-state had cast them off, and August 23, 1784, a representative convention of forty delegates from three counties of eastern Tennessee declared the district an independent state with the name Frankland (“Land of the Free”). A later convention adopted a constitution, and a full state government was set up with Sevier as governor. Then North Carolina “repealed” her cession, and, after some years of struggle that rose even into war, she succeeded in restoring her authority.

It is convenient to carry the story of the West on at this point to the opening of the next century. Tennessee remained a true frontier longer even than Kentucky did. It was farther from the coast settlements, and much less accessible. The

population, therefore, grew more slowly and remained poor longer. The Frankland legislature had even been compelled to fix a currency "in kind": a pound of sugar to pass as one shilling; a raccoon skin as two shillings; a gallon of peach brandy as three. Scornful Easterners were fond of jesting about this "money which cannot be counterfeited,"—forgetting that their own fathers had used a like currency.

Indian peril lessened in Kentucky after the Revolutionary War, though occasional raids from the Illinois tribes across the Ohio continued for a long time. But the Tennessee settlements had been thrust into the special hunting grounds of the neighboring Creeks and Cherokees (page 16); and after 1783 those warlike confederacies were especially incited and armed to raid the American frontier by the unfriendly Spanish governors in New Orleans and Florida. It is estimated that as late as the middle nineties, the average death rate from Indians in Tennessee was a man, woman, or child, every ten days. Sevier, Andrew Jackson, and Sam Houston, each won his early fame in repelling and punishing these raids. The government of the United States had had nothing to do, of course, with the settlement of the district, and for a long time it took little or no part in its defense. A striking passage of McMaster's presents vividly some phases of this frontier life:

The pioneer cabins stood in the midst of an almost unbroken wilderness, and the people dwelling in them lived in never-ending dread of the bullets and arrows of the savages. The dense forests of hardwood trees, the matted under-brush, the tall cane that covered the face of the earth for miles and miles in every direction, turned the whole country into a lurking-place and ambush for the most crafty and implacable of foes. No man dared to fell a tree, to plant an acre of corn, to pick a berry from a bush, to go to the nearest spring for water, or even to sit in the shade of his own cabin, but his gun and his powder-horn were ready beside him.

For some years, only feeble ties held any of the Western settlements to the Atlantic states. The men of the West made

continuous efforts for statehood, but these efforts were opposed both by Virginia and North Carolina and also by Congress. Then, at one time or another, in each of the three groups of settlements, these legitimate attempts merged obscurely into less justifiable plots for complete separation from the Eastern confederacy. For even this extreme phase of the movement, there was great provocation in the gross neglect shown by the East toward pressing needs in the West. The older states had just rebelled against the colonial policy of Great Britain, but they showed a strong inclination to retain a selfish policy toward their own "colonies." Even in the matter of protection against Indians, they hampered the frontier without giving aid. The Westerners made many petitions (1) to control directly their own militia; (2) to be divided into smaller counties—with courts more accessible; and (3) to have a "court of appeal" established on their side of the mountains. (Many a poor man found legal redress for wrong impossible because a richer opponent could appeal to a seaboard supreme court.) These reasonable requests were refused by North Carolina, and granted only grudgingly by Virginia.

More distant Eastern communities, too, notably New England, manifested a harsh jealousy of the West. In particular, the East long neglected to secure for the new West the right to use the lower Mississippi. For nearly all its course, one bank of the Mississippi was American; but, by the treaties of 1783, toward the mouth both banks were Spain's. According to the commercial policy of past ages, Spain could close against us this commercial outlet.<sup>8</sup> But the surplus farm produce of the West could not be carried to the East over bridlepaths. Without some route to the outside world, it was valueless; and the only possible route in that day was the huge arterial system

<sup>8</sup> In 1763, Spain had been forced to grant England the right to navigate the river to its mouth, and in 1783, England had passed on her right to us—so far as she could. But Spain denied her power to transfer it; and anyway, as we shall see at once, our people needed another privilege along with that one.

of natural waterways to the Gulf. So, from the first, the backwoodsmen floated their grain and stock in flatboats down the smaller streams to the Ohio, and so on down the great central river to New Orleans. They encountered shifting shoals, hidden snags, treacherous currents, savage ambuscades, and the hardships and dangers of wearisome return on foot through the Indian-haunted forests.

These natural perils the frontiersman accepted light-heartedly, but he was moved to bitter wrath when, his journey accomplished, fatal harm befell him at his port. He had to have "right of deposit" at New Orleans (the right to unload and perhaps to store his goods for a time) in order to reship to ocean vessels. Spanish governors granted or withheld that privilege at pleasure—to extort bribes or gratify a grudge. Our government showed little eagerness in this life-or-death matter<sup>4</sup> so that the West came to seethe with furious demands for possession of the mouth of the Mississippi. How to get it mattered little. The Westerners would help Congress win it from Spain; or they were ready to try to win it by themselves, setting up, if need be, as a separate nation; or some of them were ready even to buy the essential privilege by putting their settlements under the Spanish flag.

The last measure was never discussed publicly, but Sevier, Robertson, and Clark were all at some time concerned secretly in dubious negotiations with Spanish agents. American nationality was just in the making. It was natural for even good men to look almost exclusively to the welfare of their own section, and those great leaders must not be charged with shameful conduct<sup>5</sup>—as men of a later day would be for such action. Still it was well that, about 1790, they were pushed

<sup>4</sup>In 1795, almost at the close of the period, Washington's administration did secure this privilege, but only for a brief and uncertain period.

<sup>5</sup>These men must not be confounded with a fellow like General Wilkinson, who while an American officer, took a pension from Spain for assisting her interests in the West.

aside by a new generation of immigrants, who were able to "think continentally," so that all separatist agitation died. About that same time, too, Virginia and Carolina began to take a broader view of their obligations to the West; and, with their necessary consent, Kentucky became a state of the Union (with manhood suffrage) in 1792, and Tennessee, in 1796.

## CHAPTER XIII

### THE NORTHWEST: A NATIONAL DOMAIN

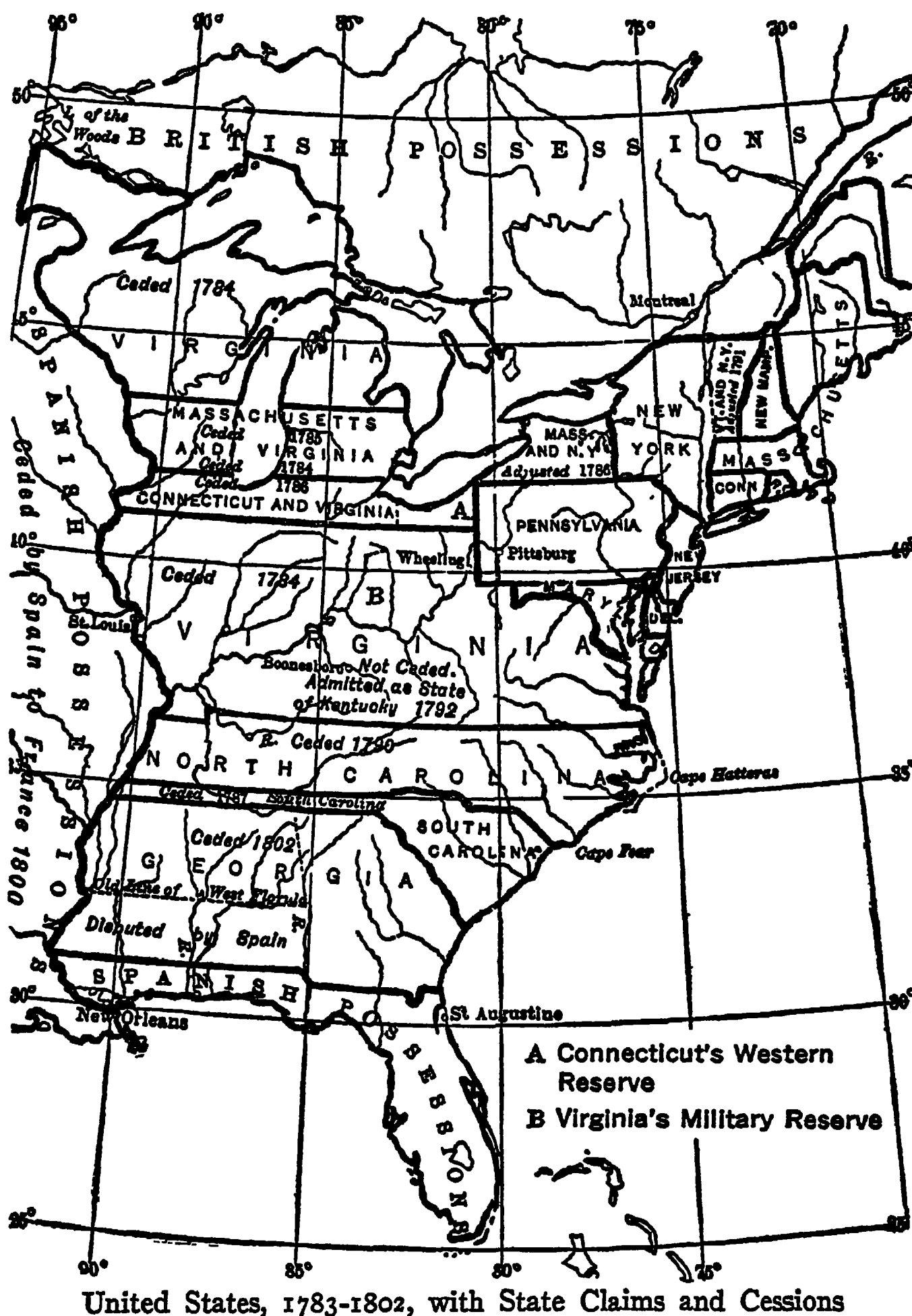
THE Southwest had been won, piece by piece, by little bands of backwoodsmen, acting, each, on its own account and organizing its settlement in its own way. But in the Northwest the first English-speaking settlers found the government ahead of them. It had surveyed the lands; it had marked off territorial divisions for their local organizations; and it gave military protection. The Northwest, therefore, child of the nation as it was, never showed those tendencies toward separatism that we have seen in the Southwest.

#### HOW THE NATION CAME TO OWN IT

Six states could make no claim to any part of the West—Maryland, Pennsylvania, Delaware, New Jersey, New Hampshire, and Rhode Island—and the title of South Carolina applied only to a strip of land some twenty miles wide. As soon as the Revolution began, the other six states reasserted loudly old colonial claims to all the vast region between the mountains and the Mississippi.<sup>1</sup> They planned to use these lands,

<sup>1</sup> Kentucky and Tennessee, it has been noted, were claimed by Virginia and North Carolina; and Georgia claimed a wide reach of land to the Mississippi. So far, there were at least no conflicts of title between the states. But north of the Ohio, claims did overlap. Virginia claimed all the Northwest, under her old charter (pages 33, 41) and she had given life to this title in Dunmore's War and in Clark's conquest of Illinois, and, after 1779, by governing the district from Vincennes to Kaskaskia as the County of Illinois. New York also claimed all the Northwest, but by the slightest of all titles. (The Iroquois, who had no ownership, had ceded it to England, in the person of the Commander of the English forces in America—who happened also just then to be governor of New York.) The middle third of the district was claimed also by both Massachusetts and Connecticut on the basis of old charters, which had made their grants reach "from sea to sea."

too, in paying their soldiers and other war expenses, while the "small states" taxed themselves in hard cash for the war which was to win the territory from England.



While opposing these "large state" claims, Maryland invented a new and glorious colonial policy for America, and, standing alone through a stubborn four-year struggle, she

forced the Union to adopt it. As early as November, 1776, a Maryland Convention set forth this resolution: "That the back lands, claimed by the British crown, if secured by the blood and treasure of all, ought, in reason, justice, and policy, to be considered a common stock, to be parcelled out by Congress into free, convenient, and independent Governments, as the wisdom of that body shall hereafter direct."

A year later, since Congress had failed to adopt this policy, Maryland made it a condition without which she would not ratify the Articles of Confederation. By February, 1779, every other state had ratified, but, by the terms of the Articles, that constitution could not become binding until ratified by each one of the thirteen states. Further delay was in many ways perilous to the new Union, and other states charged Maryland bitterly with lack of patriotism. Virginia, in particular, insinuated repeatedly that the western lands were only an "ostensible cause" for her delay. With clear-eyed purpose, however, the little state held out, throwing the blame for delay where it belonged—on Virginia and the other states claiming the West. At this time Thomas Paine performed one more great service to America by publishing a valiant plea for the Maryland plan under the title *The Public Good*,—so losing his chance for an expected grant of lands from Virginia, all that stood between him and poverty.

Public opinion gradually shifted to the support of the view so gallantly championed by Maryland, and October 10, 1780, Congress formally pledged the Union to the new policy, urging the states to cede the western lands to the central government, to be disposed of "for the common good of the United States." The resolution solemnly guaranteed also that all lands so ceded would be "formed into separate republican states, which shall become members of the federal union and have the same rights of freedom, sovereignty, and independence as the other states."

This completed the American plan of colonization. Previ-

ously, the world had known only two plans: Greek and Phoenician colonies became free by separating at once from the mother cities; the seventeenth and eighteenth century colonies of European countries had remained united to the mother countries, but in a condition of humiliating dependence. For the United States, Maryland had devised a new plan *combining* permanent union with freedom—a political invention peculiarly adapted to a federal union, such as America was then forming.

New York had already promised to give up her western claims, and now Connecticut promised to do likewise. In January, 1781, Virginia's promise followed, for the lands north of the Ohio. The formal deeds of cession were delayed by long negotiations over precise terms, but the general result was now certain. Maryland had won. Accordingly (March 1, 1781), she ratified the Articles. That constitution at last went into operation—and the new confederacy possessed a "national domain."

Kentucky remained part of Virginia until admitted into the Union as a state in 1792; and Virginia did not actually cede the Northwest until 1784—retaining then the "Military Reserve" (a triangular tract of several million acres just north of the Ohio) wherewith to pay her soldiers. Connecticut completed her cession in 1785, and Massachusetts made hers in 1786. Connecticut retained 3,250,000 acres south of Lake Erie, as a basis for a public school fund. This district was soon settled largely by New Englanders, and was long known as "The Western Reserve" (map, page 267), but in 1800, when Connecticut had sold her property in the lands, she granted jurisdiction over the settlers to the United States. North Carolina ceded Tennessee in 1790, and South Carolina had given up her little tract three years earlier. Georgia clung her claims until 1802.

## ORGANIZATION BY THE NATION

It was now up to Congress to make good its promise in the resolution of October, 1780. Accordingly, when Thomas Jefferson, as a Virginia delegate in Congress, presented to that body Virginia's final cession, he also proposed a plan of government (promptly enacted into law) for all territory "ceded or to be ceded."

Jefferson supposed that the states would complete their cessions promptly. Accordingly, this Ordinance of 1784 cut up the whole western district into fourteen proposed states,—Michigania, Metropotamia, Polypotamia, Assenisipia, and so on—bounded so far as possible by meridians and parallels. As in all our later organization of Territories, certain provisions were to be made a matter of compact between each new state and the United States, and a remarkable attempt was made to exclude slavery from all the West. This last provision, however, received the votes of only six states. Jefferson stated later that, but for the sickness of a delegate from New Jersey, that state would have been present and in the affirmative; so that the proposition "failed for want of one vote."

In 1787, the Ordinance of 1784 was replaced by the great Northwest Ordinance. During the three years which had elapsed since the adoption of the first ordinance, there had been no district in the ceded territory populous enough to organize under the law. Meantime, some parts of the East had begun to look jealously at the prospect of so many new states, to outvote the Atlantic section in Congress. Congress, therefore, appointed a committee to prepare a new plan of organization, with view particularly to reducing the number of future states. There was also another thread to the story. In 1786, a number of New England Revolutionary soldiers had organized a "company of associates," to establish themselves in new homes on the Ohio. Early in 1787, this Ohio Company

sent the shrewd Manasseh Cutler (one of their directors) to buy a large tract of western land from Congress. Cutler found the proposed Territorial ordinance under discussion. Negotiations for the land deal and for the new Territorial law (under which the settlers would have to place themselves) became intermingled. Cutler proved an adroit lobbyist. On one occasion he had to frighten the hesitating Congress into action by pretending to take leave. Finally both measures were passed: the Ordinance, with a number of new provisions satisfactory to the New Englanders, became law on July 13; a few days later the land sale was completed.

The Ohio Company bought for itself 1,500,000 acres, at "two-thirds of a dollar an acre." Payment was accepted, however, in depreciated "certificates" with which Congress had paid the Revolutionary soldiers (page 245), so that the real cost was only eight or nine cents. Unhappily, the purchase was carried through by connecting it with a "job." Influential members of Congress, as the price of their support, induced Cutler to take, at this rate, not merely the million and a half acres which he wanted, but also three and a half million more, which were afterward privately transferred to another "company" composed of these congressmen and their friends.

This taint of graft, of course, had nothing to do with the ordinance for organizing the territory. The "Northwest Ordinance" (so called because, unlike its predecessor, it applied only to the district north of the Ohio) has been styled second in importance only to the Declaration of Independence and the Constitution. Edward Fueter, the Swiss historian, does not hesitate to call it the most important law ever passed in the United States, and Daniel Webster said of it, even more sweepingly, "I doubt whether any single law, ancient or modern, has produced results of more distinct and lasting character."

Under it, the new type of American "colony" was first actually established; and its principles so persisted through our later Territorial legislation that many Americans came to think of them as embodied in the Federal Constitution.

Not less than three, nor more than five states were to be formed from the region; and for any given district, when set off by Congress, there were to be three stages of government.

1. Until it should contain five thousand free male inhabitants, there was no self-government. Congress appointed a "governor" and three "judges." (After the United States adopted the new Constitution the next year, many powers given to Congress by this Ordinance were transferred by new laws to the President.) The governor created and filled all local offices; and governor and judges together selected laws suitable for Territorial needs from the codes of older states—subject, however, to the absolute veto of Congress (President).

2. When population had risen to the specified point, there was to be a two-House legislature—a House of Representatives elected by the people, and a Legislative Council of five men selected by Congress from ten nominated by the Territorial lower House. This legislature was to send a Territorial delegate to Congress, with right to debate but not to vote—as with the old "colonial agents" sent to the British parliament. The governor, still appointed, had an *absolute* veto upon all acts of the legislature and controlled its sittings, calling and dissolving sessions at will. Thus, in this stage, the inhabitants of a Territory had about the same amount of self-government as in a royal province before the Revolution.

3. For the third stage, however, the new and characteristic American idea appeared in the following words: "Whenever any of the said States shall have sixty thousand free inhabitants [about the population of Delaware then], such State shall be admitted, by its delegates, into the Congress of the

United States, *on an equal footing with the original States in all respects whatever*, and shall be at liberty to form a permanent constitution and State government.”<sup>2</sup>

Then followed six articles, “for extending the fundamental principles of civil and religious liberty . . . [and] to . . . establish those principles as the basis of all . . . governments which forever hereafter shall be formed in the said territory.” These articles were declared to be “articles of compact between the original States and the people . . . in the said territory . . . forever [to] remain unalterable, unless by common consent.” To similar provisions in the previous ordinance this noble “bill of rights” now added freedom of religion, habeas corpus privileges, exemption from cruel or unusual punishments, and jury trial. The Third Article declared that “schools and the means of education shall forever be encouraged,” and the Sixth Article prohibited slavery.



The Northwest Ordinance did not make specific provision for public support of education. That was done by two other ordinances which made smooth the way for Western settlement and profoundly influenced its character.

In 1785, Congress had passed an ordinance (originating with Jefferson) providing for a rectangular land survey by the government, in advance of settlement, and giving one thirty-sixth of the national domain (section 16 in each township) to the new states, for the support of public schools. (A further attempt to set aside section 15 of each township for the support of religion was voted down.)

The original intention was to have each township use the proceeds from its section 16 for its own schools. Happily, however, it was soon decided to give the sale of school lands

<sup>2</sup> Practically all the principles of this legislation had been embodied in Jefferson's Ordinance of 1784. They had been suggested, even earlier, in one path-breaking paragraph of Thomas Paine's *The Public Good*.

to state officials, rather than to local officers, and to turn all proceeds into a *permanent* state fund, of which only the interest is divided each year among various localities of the state, usually in proportion to their school attendance. The states admitted since 1842 have received also section 36 of each township for school puposes, besides lavish grants for internal improvements.

The rectangular survey made it possible for a pioneer to locate land without the costly aid of a private survey. Previous to this law of 1785, surveys had been irregular, overlapping in some places, and in others leaving large fractions unincorporated in any "description." The points of beginning, too, had been arbitrarily chosen, and, if once lost, they were hard to determine again. At almost the date of this ordinance, the records of Jefferson County in Kentucky describe the land of Abraham Lincoln's grandfather as located on a fork of the Long Run, beginning *about* two miles up from the mouth of the fork, "at a Sugar Tree standing in the side of the same marked S D B and extending thence East 300 poles to a Poplar and Sugar Tree North  $213 \frac{1}{3}$  poles to a Beech and Dogwood West 300 poles to a White Oak and Hickory South  $213 \frac{1}{3}$  poles to the Beginning." The older portions of the country still keep traces of these cumbersome descriptions.

The rectangular survey influenced Western life also in more indirect ways. County boards found it convenient to run roads on section lines and on the subdividing lines; the counties themselves (made up of square townships) took a rectangular shape; and even the states, compared with Atlantic coast states, tended to a similar form, as any United States map shows.

The other great act of the dying Congress of the Confederation which deserves grateful remembrance was passed a few days after the Northwest Ordinance. Cutler was not content even with the generous terms he had secured for the Ohio

Company until he obtained a further free grant of forty-six thousand acres "of good land" in the proposed territory "for the support of an institution of higher learning"—the land to be located, and funds used, "as the future legislature of the proposed settlement may direct."

Here, then, begins the policy of national land grants to "state universities." When the Territory of Indiana was set off on the west, a like grant was made for it, and so on, for each new Territory since. After 1873, such grants to new Territories were doubled in amount—thanks to a curious persistence for a second grant by early Minnesota, after it had largely wasted its first grant.

### EARLY SETTLEMENTS

The Ohio Company eagerly pressed its preparations for settlement and advertised the riches of the West extravagantly, to sell its lands; and in the winter of 1787-1788, fifty New Englanders under General Putnam made the western journey as far as Fort Pitt (Pittsburgh). Here they built a huge boat, with sides protected by bullet-proof bulwarks, naming it the *Mayflower* in memory of their forefathers' migration to a new world. As soon as the ice broke up, they floated down the Ohio to the mouth of the Muskingum, and there founded Marietta. Various hamlets soon clustered about this first settlement—each, as a rule, centered about a mill—and within two years the colony contained a thousand people. Thousands more floated past Marietta during its first season, most of them bound for Kentucky, but many to establish themselves at points in the Northwest.

For many years, migration continued to be by wagon to Pittsburgh or Wheeling, and thence by water on hundred-foot rafts carrying cattle and small houses, or on somewhat more manageable flatboats seventy feet long perhaps. Such vehicles, steered from rocks and sand bars by long "sweeps," floated

lazily with the current by day, and tied up at the bank at night. Occasionally, long narrow keel boats were used; and these, by the brawny arms of seven or eight men, could be poled *up* tributary streams, to choice points of settlement.

For all squatter settlements the United States government could disclaim responsibility. It held title from England to all the Northwest, but it opened no land to settlement until it had secured title also from the Indian inhabitants. And it was no longer easy to get that title. The Indian understood thoroughly that the white advance was ruining his hunting grounds forever, and more and more stubbornly he refused to sell for the tempting blankets, beads, or knives, of the white man.

In 1785, happily, a considerable cession of land from Indian tribes had been obtained by Congress in southern Ohio—and so the way had been prepared for the land sale to the Ohio Company and for the Marietta settlement. But the treaty of cession did not prevent Ohio Indians from raiding even this district repeatedly, and finally it had to be won again—along with much more territory—by the United States “regulars.” In 1790 and 1791, two expeditions to punish hostile Indians were repulsed, with the loss of a large part of our small army. But in 1794, a crushing defeat of the natives by General Anthony Wayne induced them to sue for peace by ceding much of the rest of Ohio. In the same year came the Jay Treaty with England (page 352), which gave the United States actual possession of the Northwest posts—and so deprived the natives of all hope of English support. Then other peaceful cessions soon followed, reaching well into “Indiana,” and there was no more serious Indian trouble in the Northwest until just before the War of 1812.

The second stage of Territorial government, with a representative legislature, did not begin until 1799. The next year Congress divided the district into two “Territories.” In 1803, the eastern Territory was admitted to the Union as the State of Ohio. The western district became the Territory of Indiana.

The early Western settlements, we have seen, reproduced the simplicity of the first settlements on the Atlantic coast a century and a half before, and the progress of the new communities was influenced greatly by the experience of the older ones. But the Western societies did not merely copy Eastern development. They did not begin just where the Atlantic seaboard settlements did. They started on a different plane and with greater momentum. The Atlantic frontier had to work upon European germs. Moving westward, each new frontier was more and more American, at the start; and soon the older communities were reacted upon wholesomely by the simplicity and democracy of the West. These considerations give the key to the meaning of the West in American history. Said Frederic J. Turner, years ago, when we still had a frontier: "American social development has been continually beginning over again on the frontier. This perennial rebirth, this fluidity of American life, this expansion westward with its new opportunities, this continuous touch with the simplicity of primitive society, furnish the forces dominating American character. . . . The frontier is the line of most rapid and effective Americanization."



## Part Five

### Disintegration and Reorganization

*This example of changing a constitution by assembling the wise men of the state, instead of assembling armies, will be worth as much to the world as the former examples we have given it.*

—THOMAS JEFFERSON, writing from Paris in June, 1787



## CHAPTER XIV

### "THE LEAGUE OF FRIENDSHIP"

*I predict the worst consequences from a half-starved, limping government, tottering at every step.*—WASHINGTON, in 1786.

#### ONE NATION OR THIRTEEN?

THE motion made by Richard Henry Lee in Congress for Independence on June 7, 1776 (page 227), contained also a resolution that a "plan of confederation" be prepared and submitted to the states. A committee was appointed at once to draw up a plan. Not till November, 1777, however, did Congress adopt the Articles of Confederation; and ratification by the states was not secured until 1781 (page 269), when the war was virtually over. From 1776 to 1781, the old Continental Congress<sup>1</sup> exercised the powers of a central government. The states had not expressly authorized it to do so, but they acquiesced, informally, because of the supreme necessity.

During those years were the states one nation or thirteen? No one at the time thought the Declaration of Independence binding upon any state because of the action at Philadelphia, but only because of the instructions or ratification by the state itself. Congress had not even advised the states on Independence. It waited for the states to instruct their delegates. Then the vote was taken by states, and the delegates of no state voted for the Declaration until authorized by their own state Assembly. (Cf. page 227.) The action at Philadelphia amounted to a joint announcement, in order, in Franklin's phrase, that they might all "hang together" so as not to "hang

<sup>1</sup> Cf. page 221. In March, 1781, that "Continental Congress" became the "Congress of the Confederation."

separately." Twenty years afterward, in a decision of the Supreme Court of the United States, Justice Chase said: "I regard this [the Declaration of July 4, 1776] a declaration not that the united colonies in a collective capacity were independent States, but that each of them was a sovereign and independent State" (3 Dallas, 224). The final paragraph of the Declaration, it is true, refers to "the authority of the good people of these colonies," and, in later times, that one phrase has often been tortured into proof that the Declaration was the act of one people—a single nation. Such reasoning, however, ignores three longer phrases in the same paragraph which teach more emphatically the opposite doctrine—of thirteen peoples. The signed copy, too, was headed "The unanimous Declaration of the thirteen United States."

It would be unwise, of course, to draw conclusions from the wording of one document alone, even were that wording in agreement throughout. The men of '76 had not yet learned to use the terms, independence, sovereign, state, nation, with the nice precision that belongs to later days. Moreover, they were thinking just then of the relations of the states to England, not to one another. But other language—of even the most accurate thinkers and most earnest "unionists"—proves beyond doubt that men did not think of the thirteen states as one nation in 1776. Hamilton wrote, in 1784: "By the Declaration of Independence of July 4, 1776, *acceded to by our Convention of the ninth*, the late colony of New York became *an independent State*" (Works, Lodge ed., III, 470). The Pennsylvania Convention in July, 1776, approved the "cogent reasons" given "by the honorable Continental Congress for declaring this, as well as the other United States of America free and independent," and asserted that "we will . . . maintain the freedom and independency of this and the other United States." So, too, Connecticut (October, 1776), when adopting her old charter for a constitution, declared, "This Republic [viz., Connecticut] is . . . a free, sovereign, and in-

dependent State." In all these statements, as always in those days, the word "United" in "United States" is merely an adjective.

More than a half-century later there dawned a long struggle—finally to be settled by the sword—between union and disunion. Meantime the early principle of union had been growing stronger and more pervasive, until it had become the truth most essential to the political life of our people. The progressive side in the long conflict took its stand upon this truth, and then tried to date that truth back further than it really belonged, so as to claim for it the sanction of age—as reformers of the English-speaking race have ever tried to persuade themselves that they were only trying to get back to the "good old days of King Edward." Thus the names of Webster and Lincoln became connected with the mistaken doctrine that the Union was older than the states. To the North, this blunder finally became identified with patriotism, and for two generations after the Civil War it was taught in textbooks.

Today we may agree that the real basis for Lincoln's stand was not any theory about the past, but the need and will of a living people. Still, in our reaction against the old dogmatism, we must not assert dogmatically that the states were older than the Union—and leave the delicate question so. When we look at the actions of the age that made the nation and the Constitution, as well as at its words, we see that states and Union grew up together. True, the states took form fastest and first: but, from the beginning, there was a general assumption that they would soon be united. Except for some such expectation, they would hardly have been born at all: and except for the creation of a union, they certainly could not have lived. The Union did not create the states, but it did preserve them.

Just after July 4, 1776, there was nothing but common sense to keep any state from acting as an independent nation.

Some of them did act so, even in foreign relations. Virginia negotiated with Spain about the protection of their common trading interests in the West, and she thought it necessary for her legislature to confirm the treaty made by Congress with France in 1778. But, on the whole, with great good sense the states allowed their possible independence to lapse by disuse. As a rule, Congress managed the war and all foreign relations, and this practice was soon made the constitutional theory by the ratification of the Articles of Confederation.

### EVILS OF "THE CRITICAL PERIOD"

But in practice the ratification of that first "constitution" did not provide effective government. John Fiske has fitly named the years 1783-1788 "The Critical Period" in American history. The authority of Congress was really less after 1781 than before. The war was practically over, and the states no longer felt it necessary to obey a central power. More and more, the wish for nationality was lost in a narrow state patriotism. In the generous glow of the first years of revolution, Patrick Henry had once exclaimed: "I am no longer a Virginian: I am an American." But about 1781, the language of state sovereignty became almost universal. Henry would then have been loath to call himself "an American first," and in the Virginia Assembly Richard Henry Lee spoke of Congress as "a foreign power." The weakness of that gathering became notorious and shameful. Able and ambitious men left it for places in state legislatures. In 1785 and 1786, for more than half its sessions, not enough members to do business could be got together. The treaty of 1783 had to be ratified within six months of its signing at Paris, but three months expired before the necessary nine states were represented in Congress. Rarely afterward were eleven states represented, and often three men (of the twenty or twenty-five present) could defeat any impor-

tant measure—since such measures required the assent of nine states.

And yet the people were suffering grievously from evils that a strong government could have done much to correct. The year 1783 saw the beginning of "bad times"—the second such period in our history (cf. page 189) and just such a "panic" as often follows even a successful war. While the war was going on, the disorder of industry was partly covered up by the streams of gold and silver coin that trickled into the pockets of farmers and storekeepers who were selling supplies at high prices to the English and French armies. Many a coast town, too, thrived, during those years, on privateering—in which ugly business the shipowners made many a huge fortune. But when peace came, the demoralization of regular business could no longer be concealed. Men could not find work. Farmers could get no coin for their produce, and only low prices even in the doubtful paper money. Commerce languished, and ships rotted at the wharves, because the old trade with the West Indies was closed to us. Numbers of old soldiers and of other citizens, who had mortgages coming due, lost their homes because the "government money" which they had laid aside to pay with had no longer any value.

Recovery from these distressing conditions was needlessly slow because of the weakness of Congress. That body (1) could not negotiate to advantage with European powers for treaties of commerce, nor (2) could it raise funds to restore the value of its "paper"—or even to pay its own current expenses.

We had taken ourselves out of the British empire—and so the British navigation laws now shut our ships from the old trade with the British West Indies just as they shut out all other foreign nations. That trade, however, from old custom, was particularly necessary to us. Congress tried to get a treaty with England to secure it again, but the English government (irritated by the inability of Congress to make our states

keep the treaty promise regarding pre-war debts) merely asked contemptuously whether she was expected to negotiate the proposed treaty with one nation or with thirteen. Nor did we succeed any better in obtaining commercial arrangements with France or Holland.

Congress had "paid off" its soldiers (page 244f.), and some other obligations in America, by printing interest-bearing "certificates" to the amount of \$26,000,000, but by 1788 a dollar of such paper was passing for twelve cents of gold. (The \$240,000,000 of paper currency, of course, had long before been practically repudiated.) Abroad, Congress was in like disgrace. For a time it had paid interest on the six million dollars borrowed from France during the Revolution—but only by borrowing two million more from Holland; and the time had come when Yankee ingenuity could wheedle no penny more from friendly Frenchman or Dutchman.

In 1781, while the war was still going on Congress had made requisitions upon the states for four million dollars. Less than a tenth that much came in. Some states ignored the call wholly, and New Jersey defied it. After the war, during the six years 1783-1788, Congress made new requisitions amounting to the modest sum of six millions, but less than one million was ever secured. Each state was fearful it might do more than its share, or that some other state might get off with doing less. Says Professor McLaughlin (*Confederation and Constitution*, 69-70): "The fact is that the people were not in destitution. There is abundance of contemporary evidence to show that they were living with more ease and circumstance than before the war. . . . The trouble was not poverty, but commercial confusion, vicious politics, and a native disinclination to pay taxes." And says Francis A. Walker of these troubles (*Making of the Nation*, 9): "It chiefly was a bad political mechanism which set every man and every State to evading obligations. . . . Under a thoroughly false system,

such as this was, it is amazing how much meanness and selfishness will come out."<sup>2</sup>



Two other evils were due more indirectly to the weakness of the central government: (1) strife between state and state, and (2) anarchy within a given state. Each state had its line of custom houses against all the others, with all sorts of discriminations, fruitful of discord. Connecticut taxed goods from Massachusetts more than the same articles from England—in hope of drawing away British trade from the older colony—and, on another frontier, she waged a small war with Pennsylvania over the ownership of the Wyoming valley, while she seemed on the verge of war, for similar reasons, with New York and New Hampshire. New York taxed ruinously the garden produce of the New Jersey farmers, who supplied her and who had no other market; and New Jersey retaliated with a confiscatory tax of a thousand dollars upon a spot of sandy coast which New York had bought from her for the site of a lighthouse. South Carolina and Georgia were coming to blows over the navigation of the Savannah. Kentucky, Tennessee, Vermont, and Maine were all demanding independence of the older states to which they still legally belonged. In all ages the two fruitful causes of war between neighboring nations have been disputes over trade and over boundaries; and just such disputes were now threatening to turn the Atlantic coast into a stage for petty bloody wars.

As to the second evil—the long struggle against England's control had led some intelligent patriots, like Samuel Adams

<sup>2</sup> The correctness of this judgment is proven by the fact that with a change of political machinery these evils vanished as by magic. A certain type of good men sometimes deprecate efforts for reform in political machinery by saying that machinery is of no consequence: that what we need is better men. Certainly, we need better men—and it is the special business of government to make it easier for the better qualities of men to come out, and harder for the meanness and selfishness. The change in American society that followed the exchange of the Articles for the Constitution is a splendid object lesson in the value of political machinery.

and Richard Henry Lee, to object to any real control over the new states, even by Congress, so perhaps it should not surprise us that it made many ignorant men hostile to any government, central or state. For years, even before open war, they had associated service to liberty with anti-social acts—boycotts, breaking up courts, terrorizing officers of the law. Many of them had won easy reputation as patriots by refusing to pay honest debts due in England, and they now felt it a hardship to pay debts to their neighbors. Demagogues declaimed, to applauding crowds, that all debts ought to be wiped out. Wild theories as to common ownership of property were in the air. A rude awakening all this proved to the patriots who had expected a golden age. “Good God!” exclaimed Washington, of such disorders: “Who but a Tory could have foreseen, or a Briton predicted, them?” And again, in momentary despair, he declared that such commotions “exhibit a melancholy proof . . . that mankind, when left to themselves, are unfit for their own government.”

The worst of it was that these semi-criminal forces of lawlessness and confiscation were reinforced by the bitter and well-grounded discontent of multitudes of well-meaning men who were suffering real hardships. Many an old soldier who had lost his home by mortgage foreclosure, or who was in danger of doing so, felt that the loss was due to his having received insufficient pay in worthless paper money, while the law of the time drained his slender resources by extortionate court fees and threatened to condemn him to hopeless imprisonment for such undeserved debt.

The most widespread manifestation of the wild spirit of the time was a fiat money craze that swept over half the states and threatened all the others, despite the recent grievous experience with such currency. The Articles of Confederation contained no such prohibition upon the states (against making paper legal tender) as was soon afterward inserted in our

present Constitution; and so some ominous laws of that sort were enacted. In New Hampshire an armed mob secured one by besieging a terrified legislature. In Rhode Island the "cheap money" party captured their legislature more constitutionally, in the elections of 1785. Creditors had fled, to escape accepting the new "legal tender" for old loans of good money, and storekeepers had closed their shops rather than sell goods for the worthless stuff. Then the legislature made it a penal offense, punishable without jury trial, to refuse the paper in trade. Finally (in 1786) a certain Weeden, a butcher, who had refused to sell meat for paper to one Trevett, was brought to trial. Weeden's lawyer pleaded that the law, refusing jury trial, was in conflict with the "constitution"<sup>8</sup> and was therefore void. The court took this view and dismissed the case. The legislature summoned the judges to defend themselves, and, after hearing their defense, voted that it was unsatisfactory. At the next election, three of the four judges were defeated; but their action stood, and helped to lay the foundation for the tremendous power of the later American courts (page 313).

Most important of all the anarchic movements was Shays' Rebellion in Massachusetts. For six months in 1786-1787, western parts of the state were in armed insurrection against the regular state government. Rioters broke up the courts in three large districts, to stop proceedings against debtors, and Daniel Shays, a Revolutionary captain, with nearly two thousand men, was barely repulsed from the arsenal at Springfield. Says Francis A. Walker: "The insurgents were largely, at least in the first instance, sober, decent, industrious men, wrought to madness by what they deemed their wrongs; but they were, of course, joined by the idle, the dissipated, the discontented, the destructive classes, as the insurrection grew."

Congress prepared to raise troops to aid Massachusetts, but,

<sup>8</sup> "Constitution" here was used in the English sense; (cf. pages 185-6). The Rhode Island constitution made no specific reference to jury trial.

fearing to avow that purpose, pretended to be preparing for an Indian outbreak. In any case, Congress was too slow to help. The legislature of Massachusetts, too, proved timid. But Governor Bowdoin acted with decision. The state militia were called out (supported by contributions from Boston capitalists), and the rebels were dispersed in a sharp midwinter campaign. A few months later, however, Bowdoin was defeated for reelection by John Hancock, a sympathizer with the rebellion—who then pardoned Shays and other rebel leaders.

This rebellion was one of the chief events leading to the new Federal Constitution. Men could look calmly at Rhode Island vagaries, and even at New Hampshire anarchy, but riot and rebellion in the staid, powerful Bay State was another matter. It seemed to prophesy the dissolution of society, unless there could be formed at once a central government strong enough "to ensure domestic tranquillity." When Henry Lee, in Congress, spoke of using influence to abate the rebellion, Washington wrote him in sharp rebuke, "You talk, my good Sir, of using influence. . . . Influence is no government. Let us have one by which our lives, liberties, and properties may be secured, or let us know the worst."

### THE ARTICLES: SOURCE OF MANY WOES

All these evils of the Critical Period had their rise largely in the Articles of Confederation. A strong government could easily have restored order in all cases—and then a wise government might have done much to remove the causes of trouble by proper legislation. But the Confederation called itself only a "firm league of friendship." Avowedly it fell far short of a national union. The central authority was vested in a Congress of delegates. These delegates were appointed annually by the state legislatures, and were paid by them. Each state had one vote in Congress, and nine states had to agree for important measures. Each state promised to the citizens of

the other states all the privileges enjoyed by its own citizens (the greatest step toward real unity in the Articles); and the states were forbidden to enter into any treaty with foreign powers or with each other, or to make laws or impose tariffs that should conflict with any treaty made by Congress. Congress was to have sole control over all foreign relations; and, for internal matters, it was to manage the postal service and regulate weights and measures and the coinage. The final article read: "Every State shall abide by the determination of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual. . . ." But a previous article provided, "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly* delegated to the United States in Congress assembled."

The "Articles of Confederation" was not a crude or clumsy document of its kind. Probably it was the best constitution for a confederacy of states that the world had ever seen. Certainly it had many improvements over the ancient Greek confederations and over the Swiss and Dutch unions. The real trouble was, no mere confederacy could answer the needs of the new American people. That people needed a national government.

The four great weaknesses of the Articles had proved to be: poor machinery of government, an insufficient enumeration of powers, the impossibility of amendment, and the fact that the government could not act upon individual citizens, but only upon states.

The requirement that nine states in Congress must agree for important business hindered action unduly—especially when for long periods not more than nine or ten states were

represented. Moreover, the union had no executive and only a feeble germ of a judiciary.

No federal government had ever had a longer list of important matters committed to its control, but the list should have contained at least two more powers: power to regulate interstate commerce would have prevented much civil strife; and authority to levy a low tariff for revenue would have done away with the chief financial difficulties.

But, after all, those two defects were matters of detail. They might have been remedied without giving up the fundamental principle of the union as a league of sovereign states. And the states would have corrected them, in part at least, had it not been for the third evil. The amending clause (in the Thirteenth Article) demanded the unanimous consent of the thirteen state legislatures for any change in the Articles. In practice, this prevented any amendment.

Thus in February, 1781, Congress submitted to the states an amendment which would have added to its powers the authority to put a five per cent tariff on imports—the proceeds to be used in paying the national debt and the interest upon it. This modest request for an absolutely indispensable power roused intense opposition. "If taxes can thus be levied by any power outside the States," cried misguided patriots, "why did we oppose the tea duties?" After a year's discussion, twelve states consented; but Rhode Island voted that such authority in Congress would "endanger the liberties of the States," and the amendment failed.

Another attempt was made at once (1783), similar to the former except that now the authority was to be granted Congress for only twenty-five years. Four states voted "No," Virginia among them; and said Richard Henry Lee, "If such an amendment prevail, Liberty will become an empty name." Congress made these states a solemn appeal not to ruin the only means of redeeming the sacred faith of the Union. Three

of them yielded, but New York (jealous now of her rapidly growing commerce) maintained her refusal; and the amendment again failed (1786), after three years of negotiation. Far-seeing men then gave up hope of efficient amendment by constitutional means. Revolution (peaceable or violent) or anarchy—these were the alternatives. We of a later day may possibly draw some comfort from the evident fact that political debate was at least no more temperate or logical among the fathers than with ourselves.

The fourth evil (the failure to act upon individuals) was fundamental. It could not be corrected except by changing the confederation of sovereign states into some kind of national union. For three millions of weak subjects Congress might have passed laws. On thirteen powerful subjects it could merely make requisitions. John Smith or Henry Jones would hardly think of refusing obedience to a command from a central government, but New York or Virginia felt as strong as Congress itself, and would do as it pleased. A confederation of states is necessarily a "government by supplication."



In the final outcome it was fortunate that constitutional amendment was impossible. Otherwise, reasonable amendment might have patched up the Articles and kept the "limping" union alive. But no ordinary amendment could have cured the fundamental evil. The Constitutional Convention of 1787, when it came, perceived the need clearly and met it courageously. For several years, from 1781 to 1787, thinkers had been groping toward the idea that we must have a new kind of federation, such that the central government could act directly upon individual citizens; and in that final year Hamilton wrote:

The evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure, which

cannot be amended otherwise than by an alteration in the first principles and main pillars of the fabric. The great radical vice of the existing confederacy is the principle of LEGISLATION for STATES in their *corporate* or *collective capacity*, as contradistinguished from the INDIVIDUALS of which they consist.—*Federalist*, XI. [The variety of type was used by Hamilton.]

This fundamental defect had been found in every federal union in earlier history. All had been *confederations of states*. The American Constitution of 1787 was to give to the world a new type of government,—a *federal state*. In the old type the states remained sovereign states confederated. In the new type they are fused, for certain purposes, into one sovereign unit. This new kind of federal government, said the shrewd and philosophical Tocqueville forty years later, was “a great discovery in political science.” It was adopted by Switzerland in 1848, by the Dominion of Canada in 1867, by Australia in 1900, by South Africa in 1909, and by the new German Republic in 1919.

## CHAPTER XV

### MAKING THE FEDERAL CONSTITUTION

*Since the creation of the world, America now presents the first instance of a people assembling to weigh deliberately and calmly, and to decide leisurely and peacefully, upon the form of government by which they will bind themselves and their posterity.—JAMES WILSON, whom Fiske calls “perhaps the most far-sighted man in the Convention.”*

### GETTING A CONVENTION

**W**HEN the second revenue amendment failed, in 1786 (page 293), a “Continental convention” had already been called to consider more radical changes. Suggestions for a convention to form a stronger government had been made from time to time by individuals for several years. As early as 1776, Thomas Paine had urged: “Nothing but a continental form of government can keep the peace of the continent. . . . Let a continental conference be held to frame a continental charter. . . . Our strength and happiness are continental, not provincial. We have every opportunity and every encouragement to form the noblest and purest constitution on the face of the earth.” Twice Hamilton had secured from the New York legislature a resolution favoring such a convention. No concrete result followed, however, until these proposals became connected with a commercial undertaking.

Washington had long been interested in Western lands, and at the close of the Revolution he owned some thirty thousand acres in Kentucky and in the Virginia Military Reserve (page 269). A visit to the West impressed him powerfully with the need of better communication with that region, both for busi-

ness prosperity and for continued political union,<sup>1</sup> and he urged Virginia to build roads to her Western possessions. In pursuance of this idea he became president of a company to improve the navigation of the Potomac. This matter required assent from both Virginia and Maryland. These states were also in dispute over the tariffs at the mouth of Chesapeake Bay. At Washington's invitation, commissioners from the two states met at Mount Vernon, to discuss these matters. There it was decided to hold another meeting to which Pennsylvania also should be invited, as she, too, was interested in Chesapeake navigation. Washington had suggested that the proposed meeting, since it concerned improvement in the means of commerce, should consider also the possibility of uniform duties on that commerce. Maryland expressed approval, and asked whether it might not be well then to invite other states to the conference. So Virginia finally issued an invitation to all the states to send representatives to Annapolis, September 1, 1786.

Only five states appeared at this Annapolis Convention. Even Maryland failed to choose delegates. But New Jersey had instructed her representatives to try to secure, not only uniform duties, but also other measures which might render the Confederation adequate to the needs of the times. With characteristic and indomitable persistence, Hamilton persuaded the handful of delegates present to make this suggestion the basis for a new call; and an address was adopted, urging all the states to send commissioners to Philadelphia the following May, "to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union, [and to report to Congress such an act] as when agreed to by them [Con-

<sup>1</sup> Referring to the danger that the Westerners might join Spain, he wrote: "They . . . stand, as it were, upon a pivot. The touch of a feather would turn them either way." But, unlike Jefferson and Franklin, he seems never to have felt very deep interest in opening the Mississippi: his attention was given to projects for better communication across the mountains.

gress], and confirmed by the legislatures of every State, will effectually provide for [those exigencies].”

At first, this call attracted little attention. But the sudden increase of anarchy in the fall of 1786 brought men to recognize the need for immediate action. Here was the opportunity. Madison persuaded the Virginia legislature to appoint delegates and to head the list with the name of Washington. Even in Virginia there had been warm opposition to a convention. Patrick Henry refused to attend, declaring that he “smelled a rat,” and the young Monroe called the meeting unwise. Washington thought of declining his appointment, not because the meeting was not needed, but because he expected it to turn out a fizzle and questioned whether attendance would be consonant with his dignity. Not until late in March did he agree to go, after three months of hesitation. Meantime, however, other states had followed Virginia’s lead, and the Philadelphia Convention became a fact.

### MAKE-UP OF THE CONVENTION

That famous Convention lasted four months—from May 25, 1787, to September 17. The debates were guarded by the most solemn pledges of secrecy. Most that we know about them comes from Madison’s notes. Madison had been disappointed in the meager information regarding the establishment of earlier confederacies, and he believed that upon the success of the federation now to be formed “would be staked . . . possibly the cause of liberty throughout the world.” Accordingly, he determined to preserve full records of its genesis. Missing no session, he kept careful notes of each day’s proceedings and of each speaker’s arguments; and each evening he wrote up these notes more fully, submitting them sometimes to the speakers for correction. In 1837, when every member of the Convention had passed away, Congress bought this manuscript from Mrs. Madison, and published it as

"Madison's Journal of the Constitutional Convention." A few other members took imperfect notes, and several wrote letters that throw light upon the attitude of certain men.

Fifty-five men sat in the Convention. (Seventy-three delegates were appointed, but eighteen failed to appear.) Twenty-nine of the fifty-five had benefited by college life, but among those who had missed that training were Franklin and Washington. With few exceptions the members were young men, several of the most active being under thirty. The entire body was English by descent and traditions. Three notable members—Alexander Hamilton of New York, and James Wilson and Robert Morris of Pennsylvania—had been born English subjects *outside* the United States; and the great South Carolina delegates, Rutledge and the Pinckneys, had been educated in England. Eight of the fifty-five had been among the signers of the Declaration of Independence eleven years before; seven had been governors of their states; twenty-eight had served in Congress.

Virginia and New Jersey were to give their names to the two schemes that contended for mastery in the Convention, and their delegations, therefore, are of special interest. Virginia sent seven members—among them Washington, George Mason (who eleven years before had drawn the first state constitution), Edmund Randolph, her brilliant young governor, and Madison, who was to earn the title "Father of the Constitution." New Jersey sent four delegates, all tried statesmen: Livingstone, eleven times her governor; Patterson, ten times her Attorney-General; Brearly, her great Chief Justice, who had taken one of the foremost steps so far toward increasing the power of the judiciary (page 313); and Houston, many times her Congressman.

These delegations were typical. "Hardly a man in the Convention," says McMaster, "but had sat in some famous assembly, had filled some high place, or had made himself conspicuous for learning, for scholarship, or for signal service

rendered in the cause of liberty." On the other hand, William Pierce of Georgia, who sat in the Convention, in his entertaining character sketches of his associates there, has nothing to say of several except that they were gentlemen "of Family and fortune," and Dr. Beard many years ago showed that a large part of the gathering were heavy investors in the public securities—whose value would be multiplied several times by the establishment of a strong government.



Certainly this illustrious company felt a deep distrust of democracy. In their political thought, they were much closer to John Winthrop than to Abraham Lincoln. They wished a government *for* the people, but *by* what they were fond of calling "the wealth and intelligence of the country." At best, they were willing only so far to divide power between "the few" and "the many" as to keep each class from oppressing the other—and they felt particular tenderness for "the few." The same causes that made them desire a stronger government made them wish also a more aristocratic government. It seemed an axiom to them that the unhappy conditions of their country were due (as Gerry<sup>2</sup> phrased it) to "an excess of democracy."

Necessarily, the men of the Convention belonged to the eighteenth century, not the twentieth. But, more than that, they represented the crest of a reactionary movement of their own day. In the early Revolutionary years, the leaders had been forced to throw themselves into the arms of democracy for protection against England (page 199), and those years had been marked by a burst of noble enthusiasm for popular government. But, when the struggle was over, the "leaders of society" began to look coldly upon further partnership with distasteful allies no longer needed; and this inevitable tendency

<sup>2</sup> Elbridge Gerry was one of the four delegates from Massachusetts, perhaps the most democratic of them, and, some years later, a real democratic leader.

was magnified by the unhappy turbulence of the times. By 1785, especially among the professional and commercial classes, a conservative reaction had set in, and this expressed itself emphatically in the Philadelphia Convention. Says Woodrow Wilson: "The Federal government was not by intention a democratic government. In plan and in structure it had been meant to check the sweep and power of popular majorities. . . . [It] had in fact been originated and organized upon the initiative, and primarily in the interest, of the mercantile and wealthy classes."

May 31 (the second day of debate), Gerry declared that he "abhorred" pure democracy as "the worst of all political evils."<sup>3</sup> The same day, Roger Sherman of Connecticut objected to the popular election of the members even of the lower House of Congress, because "the people, immediately, should have as little to do as may be about the government"; and Randolph explained that the Senate, in the Virginia plan, was designed as "a check against this tendency" [democracy]. In tracing to their origin the evils under which the country labored, "every man," he affirmed, "had found [that origin] in the turbulence and follies of democracy." Two days later, Dickinson declared "a limited monarchy . . . one of the best governments in the world. It was not certain that equal blessings were derivable from any other form. . . . A limited monarchy, however, was out of the question. The spirit of the times forbade the experiment. . . . But though a form the most perfect perhaps in itself be unattainable, we must not despair," and he proceeded to suggest ways to make property count in the new government. June 6, he returned to this theme, urging that the Senate should be "carried through such a refining process [viz., indirect elections and property qualifi-

<sup>3</sup>The quotations in this chapter come from Madison's Journal, unless otherwise indicated.

cations] as will assimilate it, as nearly as may be, to the House of Lords in England."

Gouverneur Morris of Pennsylvania, one of the most brilliant and effective men in the Convention, also believed it essential that the Senate should be "an aristocratic body," composed of rich men holding office for life. Said he, "It must have great personal property; it must have the aristocratic spirit; it must love to lord it through pride." Morris, Rufus King of Massachusetts, and Rutledge strove strenuously to have wealth represented in the lower House also, affirming, each of them, that "property is the main object of government"—nor did this claim, so un-American to our ears, call forth one protest that government should concern itself as much with human rights as with property rights. Hamilton held, perhaps, the most extreme ground against democracy. He "acknowledged himself not to think favorably of republican government. . . . He was sensible at the same time that it would be unwise [for the convention] to propose one of any other form. But in his private opinion, he had no scruple in declaring, supported as he was by the opinion of so many of the good and wise, that the British government was the best in the world, and he doubted much whether anything short of it would do in America." It was "the model to which we should approach as nearly as possible." (And this was said not of the democratic English cabinet government of to-day, but of the corrupt, irresponsible government before even the First Reform Bill of 1832!) Hamilton then presented a detailed plan, which, he said, represented his own views of what was desirable in America: an Executive *for life*, with extreme monarchic powers (including an absolute veto), chosen by indirect election; a Senate for life, chosen by indirect election; and a representative assembly chosen by freeholders—this government to appoint the governors of the states and, through them, to exercise an absolute veto upon all state legislation.

Such statements went almost unchallenged. Dissent, if

expressed at all, cloaked itself in apologetic phrase. This was due to the unfortunate absence of a group of splendid figures whom we might have expected to see in that gathering. Great as the Virginia delegation was, it might have been greater still, had its three places unassigned in the list on page 298 included Thomas Jefferson (then minister to France), Patrick Henry, Richard Henry Lee, or Thomas Paine, and it would no doubt have been well had Massachusetts sent Samuel Adams, or New York her great war-governor, George Clinton. Four or five of these democratic leaders who had been mighty protagonists in the days of the Revolution would have given a different tone to the debates. As things were, every prominent patriot of Revolutionary fame on the conservative side was present, except Jay and John Adams—who was serving as minister to England—but the lonely representatives of democracy were the moderate George Mason and the aged and gentle Franklin, just returned from many years of residence at the aristocratic French court.<sup>4</sup> And even Mason “admitted that we had been too democratic,” though he was fearful the Convention was going to the other extreme.



The Convention had many conflicting interests. It contained Nationalists and State-sovereignty men, “Northerners” and “Southerners,” commercial interests and agricultural interests, advocates of extending slavery and friends of restricting slavery. These various lines were so intertangled as to prevent definite “parties.” It is convenient to speak of a “large-state party” and “a small-state party,” but the men who divided in this particular way on one great question found themselves in quite different combinations on almost every

<sup>4</sup> Franklin was 82. William Pierce (see page 299) calls him “the greatest philosopher of the age; the very heavens obey him, and the clouds yield up their lightning to be imprisoned in his rod. But . . . he is no speaker, nor does he seem to let politics engage his attention. He . . . tells a story in a style more engaging than anything I ever heard.”

other problem. No praise is too high for the patience and "sweet reasonableness" (failing only with a few individuals and on rare occasions) with which on all these matters the great statesmen of that memorable assembly strove first to convince one another, and, failing that, to find a rational compromise.

High praise, too, is due their profound aversion to mere theory, their instinctive preference for that which had been proven good. Gladstone once said, "As the British constitution is the most subtle organism which has proceeded from progressive history, so the American constitution is the most wonderful work ever struck off at a given moment by the hand and purpose of man." This sentence (true enough if not taken in too painfully literal a way) has helped to spread the mistaken idea that the Philadelphia Convention invented a whole set of new institutions. But practically every piece of political machinery in the Constitution was taken from the familiar workings of state constitutions. The most striking exception to this rule—the Electoral College, on the originality of which the delegates did pride themselves—soon dropped into a mere harmless formality.

### THE WORK AND HOW IT WAS DONE

Some months before the meeting, Madison had drawn up several propositions concerning a new government, in letters to Jefferson and Washington. The Virginia delegates were the first to arrive at Philadelphia. While they waited for others, they caucused daily, formulating these suggestions of Madison's into the famous Virginia Plan.

This plan provided for a two-House legislature. The lower House was to be chosen by the people and was to be apportioned among the states in proportion to population or wealth (so that Virginia, Pennsylvania, and Massachusetts each would have sixteen or seventeen delegates to one from Delaware or

Rhode Island). The upper House was to be chosen by the lower. There was no provision for equality of the states in either branch of the legislature, and no security that a small state would have any part at all in the upper House. As to power, the central legislature was to fix its own limits, and it was to have an absolute veto upon any state legislation which it thought inconsistent with its own laws. It is instructive, indeed, to reflect how widely all this differs from the final result. It would have left the states hardly more than convenient administrative districts and would have created a government more like that of modern France than like that of the present United States. It did not so much propose to amend the Confederation as to substitute a consolidated government.

May 29, the Virginia Plan was presented to the Convention by Randolph in a brilliant speech, and for two weeks, in committee of the whole, it was debated, clause by clause. Then came an interruption. So far, the large states had had things their own way; but at last the small-state delegates had united upon the New Jersey Plan, which was now presented by Patterson. This plan would merely have amended the old Confederation in some particulars: it would have given Congress power to impose tariffs and to use force against a delinquent state, and it designed a true executive and an imposing federal judiciary.

The committee of the whole gave another week to comparing the two plans. Then, by a decisive vote, it set aside the new proposals and returned to the Virginia Plan. From June 19 to July 26, nineteen resolutions, based on that plan and adopted in Committee, were considered again, in formal Convention, clause by clause. Midway in this period came the great crisis, when day by day the Convention tottered on the brink of disruption in the contest between large and small states—a calamity that was finally averted by the Connecticut Compromise (page 305).

The Convention then adjourned for eleven days, while the

conclusions so far agreed upon were put into the form of a constitution by a Committee of Detail. From August 6 to September 10, this draft was again considered, section by section. Next, a Committee of Revision (often referred to as the "Committee on Style") redrafted the Constitution according to the latest conclusions of the Convention. To Gouverneur Morris, chairman of this committee, we owe in large degree the admirable arrangement and clear wording of the document. Once more the Convention reviewed its work in this new form (September 12-17). This time few changes were made, and September 17 the Constitution was signed by thirty-nine delegates, representing twelve states.

Thirteen of the fifty-five delegates had left; and three of those present (Randolph, Mason, and Gerry) refused to sign. Randolph afterwards urged ratification in Virginia, but Mason and Gerry remained earnest opponents of ratification. In July, Mason had said that it could not be more inconvenient for any gentleman to remain absent from his private affairs than it was for him, but he would "bury his bones in this city rather than expose his country to the consequences of a dissolution without anything being done." On August 31, however, he exclaimed that he "would sooner chop off his right hand than put it to the Constitution as it now stands."

### THE CONNECTICUT COMPROMISE

Early in the debates, the Connecticut delegates (Roger Sherman, Oliver Ellsworth, and William Johnson) had proposed a compromise between the Virginia and the New Jersey plans; i.e., that the lower House of the legislature should represent the people, and that the upper House should represent states, each state having there an equal vote. When feeling ran highest between the large-state and small-state parties, this proposal was renewed with effect.

Debate had grown violent. The small-state delegates served

notice that they would not submit to the Virginia Plan. A large-state delegate threatened that if not persuasion, then the sword, should unite the states. Small-state men retorted bitterly that they would seek European protection, if needful, against such coercion.

Each state had one vote. Virginia, Pennsylvania, and Massachusetts were the true "large states"; but with them, on this issue, were ranged North Carolina, South Carolina, and Georgia. New Jersey, New York,<sup>5</sup> Delaware, Maryland, and Connecticut comprised the "small-state party." Rhode Island never appointed delegates, and the New Hampshire representatives were not on the ground until July 23. Had these two states taken part, the "small states" would have been able to control the Convention from the first—and might have prevented any action of consequence.

The critical vote came July 2, after a week's strenuous debate. The first ten states to vote stood five to five. If either party won, the other was likely to bolt. Georgia was still to vote; and one of her two delegates (against his own convictions) deliberately split the vote of his state so as to leave the result a tie.

This gave time for reflection. Said Roger Sherman, "We are now at full stop, and nobody [he supposed] meant that we should break up without doing something." In the desultory discussion that followed, several members suggested a committee to devise some compromise. Finally, the matter was referred to a Committee of Eleven, one from each state present. The moderate men won their victory in selecting

<sup>5</sup>New York was then little more than the valley of the Hudson. Hamilton, delegate from that state, was outvoted always by his two colleagues. In the height of this debate, those gentlemen seceded from the Convention. After that, New York had no vote, since the legislature had provided that the state should not be represented by less than two of the three delegates. For this reason, Hamilton had little influence upon the work of the Convention, though he was a mighty power afterward in securing ratification.

the members of this committee. The most uncompromising men in the dispute had been the great leaders from Virginia, Pennsylvania, and Massachusetts—Madison and Randolph, Wilson and Gouverneur Morris, and Rufus King. Desperate as the case stood, Madison and Wilson spoke against referring the question to a committee at all. Properly enough, these men were all left off the committee, the places from their states being filled by those of their colleagues most in sympathy with small-state views—Mason, Franklin, and Gerry. July 5, the committee reported once more the Connecticut Compromise. Large-state leaders were still opposed, but, after ten days more of debate, the plan carried.

This “First Great Compromise of the Constitution” has made our government partly national, partly federal. Each citizen of the United States is subject, directly, to two distinct authorities—the national government and a state government. The national government acts directly upon him, but only within a prescribed field. Elsewhere the state retains complete authority.<sup>6</sup>

### POWERS “ENUMERATED” AND “IMPLIED”

The Constitution tried to mark off the two fields from one another by three devices: by “enumerating,” in eighteen paragraphs, the powers given to Congress; by forbidding certain powers to the states; and by providing (expressly in the Tenth Amendment, and by implication throughout) that powers not granted to the central government are reserved to the states.

<sup>6</sup> Within its field—until that field is changed by the sovereign people, through Constitutional amendment—the state is as sovereign as the federal government in its field. There should be no possible confusion of this relation between states and nation with the relation between a state and its subdivisions. Counties, cities, school districts have their distinct fields of authority, to be sure, but they derive that authority from the state and hold it subject to regulation by the state. This is in no sense true of the state in relation to the federal government.

It is customary, therefore, to call our government "a government of enumerated powers."

The enumerated powers are vast. They include sole control over foreign relations (with the making of peace and war, and maintaining armies and navies), and, in domestic matters, the control of naturalization, coinage, weights and measures, the post office and postal service, copyrights and patents, commerce between citizens living in different states, and taxation so far as needful to enable the government to care for all these duties.

Still, these powers touch our daily life less closely and less vitally than do the powers reserved to the states. The state regulates the franchise (indirectly, even the federal franchise)<sup>7</sup> marriage and divorce and all family relations, inheritance, education, all property and industrial conditions (except those that may be connected with interstate commerce), and all criminal law, as well as the powers of towns, counties, and other local units.

It is desirable to note how this division of powers has worked. In a federal government there is inevitably a constant contest between the advocates of stronger central control and the upholders of the rights of the states. In power, either party is apt to seek to extend the province of the government. In opposition, the same party appeals to states rights, to restrict a power which seems dangerous in the hands of opponents. The party anxious to limit the central government has always sought to restrict it closely to the "Enumerated powers." Its opponents have met this warcry with the shibboleth, "Implied powers." Under cover of this phrase a vast development of national power has taken place. Thus the Constitution gave Congress power to regulate interstate commerce. To the men of that day, that power meant only authority to prevent one

<sup>7</sup> Except as certain provisions have been put beyond the control of either state or Congress by the Fifteenth and Nineteenth Amendments.

state from setting up barriers against another's commerce. Under the same phrase today, Congress regulates railroad freight rates on commerce, adulteration of foods (character of goods carried in this commerce), hours of labor of employees, and compensation by railroad companies for injuries to employees.

This expansion of national authority is essential to our well-being. The states are no longer competent to manage these common interests. Steam and electricity, and intimate trade relations, make many matters fit subjects for national control now which a hundred years ago were better off in the hands of the states. It would be better, no doubt, to give such powers distinctly to the central government by adding them to the enumeration of powers; but our Constitution makes such amendment exceedingly difficult, and so it is fortunate that we can meet new needs as they arise by even this dangerous process of "forced construction" at the hands of Congress and the Supreme Court. Says James Bryce: "They [the men of the Philadelphia Convention] foresaw that their work would need to be elucidated by judicial commentary; but they were far from conjecturing the enormous strain to which some of their expressions would be subjected in the effort to apply them to new facts. . . . The Americans have more than once bent their Constitution, that they might not be forced to break it."

In expanding "implied powers," two expressions in the Constitution have been especially appealed to: the "general welfare" clause, and the "necessary and proper" clause.

The words "to provide for the general welfare" occur twice—once in the preamble, once in the first paragraph of the enumeration of powers. In the preamble the clause could not convey power—and, moreover, in that connection, the words are taken from a similar passage in the old Articles of Confederation where certainly they did not confer power. In the

other passage (Article I, section 8), paragraphing and punctuation show beyond reasonable dispute—as does also the history of the clause in the Convention—that “to . . . provide for the general welfare” is not an independent grant of power, coördinate with “to lay taxes,” or “to coin money,” but that it simply indicates the purpose for which taxes are to be laid.<sup>8</sup> This, too, is the decision of the Supreme Court (Chief Justice Marshall, in *Gibbons vs. Ogden*).

In “necessary and proper,” “necessary” would at first seem to be the stronger word. Why is “proper” added? Does the passage mean that a power should not be used, even if necessary, unless also proper? Or does “necessary” mean merely convenient? The latter interpretation has been adopted by the courts. This phrase is the true basis for the growth of the doctrine of implied powers. At Philadelphia its possibilities were seen only by Mason and Gerry—to be dreaded by them.

### SECTIONAL DISPUTES

The Convention decided without great trouble that in the first Congress the Representatives should be divided among the thirteen states in proportion to population, but Morris and the New Englanders struggled to prevent the adoption of proportional representation as a permanent principle. After the government should once have been instituted, argued Morris, let Congress provide for reapportionment (or refuse to provide it) as it might think best from time to time. His purpose, he stated frankly, was to prevent any true reapportionment so far as would concern new states from the West: “The

<sup>8</sup> Originally, as reported by the Committee on Detail, the passage read merely, “To lay and collect taxes, duties, imposts, and excises.” Some two weeks later (August 22), another committee suggested that this unlimited taxing power be restricted by adding the words “for the payment of the debts and necessary expenses of the United States.” The Committee on Style altered the form from a prepositional to an infinitive phrase.

new States will know less of the public interest," said he, and "will not be able to furnish men equally enlightened." Several other delegates urged that the total representation from new states ought never to exceed that from the original thirteen—an arrangement that would have produced an interesting situation within the next hundred years!

But the Virginia delegation stood forth as the champions of the West. Mason argued unanswerably that both justice and policy demanded that new states "be treated as equals, and subjected to no degrading discriminations." This view prevailed. On motion of Randolph, the Constitution itself provided for a census and for reapportionment every tenth year—a provision that Congress never ventured to ignore over a whole ten-year period until 1921-1930.

Another sectional quarrel grew out of this question of apportionment. The South wanted slaves to count as men. Many Northern members were vehemently opposed to this, both because of a rising sentiment against slavery, and because they feared an undue weight for the South in Congress. The outcome was the "Second Great Compromise,"—that five slaves should count as three free persons in fixing the number of Representatives from a state. (The Constitution recognized slavery in several passages, but scrupulously avoided the word.)

The "Third Great Compromise," also, was concerned with slavery. New England wished Congress to have power over commerce, so that it might encourage American shipping against foreign competition. The South feared that Congress, with this power, might tax the great Southern exports, cotton, rice, and tobacco, or even prevent further importation of slaves. Finally Congress was given power to regulate commerce, providing, however, that it should not tax exports and that for twenty years it should not forbid the importation of slaves.

Georgia and South Carolina felt that they must have more slaves to develop their rice swamps, and made it clear that they would not come into the Union unless their interests in this matter were guarded. Virginia, Delaware, and Maryland (and North Carolina in part) had already prohibited the foreign slave trade by state laws. Some inhabitants of those states favored such action by the nation because they hated slavery, and others because they wanted to supply the demand farther south by selling their own surplus slaves there at monopoly prices. In the Convention, the most powerful advocate of national prohibition upon the foreign trade was George Mason, a great Virginia slaveholder. He pointed out the futility of state restrictions, if the vast Northwest was to be filled with slaves through the ports of South Carolina and Georgia, and he argued therefore that the matter concerned not those states alone. "Slavery," he continued, "discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations cannot be punished in the next world, they must be in this." Mason believed, with vehement indignation, that Puritan New England, in this matter, had struck an "unholy bargain" with the two Southern states in the interests of its commerce and of the centralized government it wanted.

### THE JUDICIARY

The judiciary has been called fitly "that part of our government on which all the rest hinges": it decides controversies between states, and between state and nation; it even overrides Congress; and its life tenure makes it independent of control.

1. A final arbiter was needed somewhere, in case of conflict

between state and nation. The Virginia Plan gave the decision to the federal legislature. The New Jersey Plan gave it to the state judiciaries. It was finally placed in the federal judiciary by a provision for appeals from state courts. This clause was "the sleeping lion of the Constitution." Its importance seems not to have been fully understood at the time, even in the Convention. Had its bearing been comprehended by the people of the country, the Constitution would almost certainly have failed of ratification.

2. The power to declare an Act of Congress void does not come from any express provision of the Constitution. It is based upon judicial *custom* in England and America. Centuries before, in conflicts between king and parliament, English courts had sometimes claimed the right to say which authority should prevail. This rare power of the English judiciary had now virtually disappeared, because the English Revolution of 1688 had done away with such conflicts. Throughout colonial times, however, the English privy council, acting as a court of appeal, had voided acts of colonial legislatures which it thought in conflict with charters or with English laws. As soon as the colonies became states, the state courts assumed the like right to decide between state legislation and more fundamental law (a state constitution, or an ancient principle of the common law).

Such cases, however, had been very rare. In New Jersey, in 1780, the highest court declared an act of the legislature void because inconsistent with the state constitution ("Holmes vs. Walton"), and three of the New Jersey delegates at Philadelphia had been connected with the case, on the bench or as counsel (page 298). There was a like decision in Virginia in 1782, and an opinion to the same effect from the North Carolina court just as the Philadelphia Convention was gathering. The Rhode Island case has been described (page 289). These seem to be the only instances from 1776 to 1787, and, outside the lawyer class, the people resented the practice bitterly.

Even within the Convention, some members disliked it, but they understood clearly that the federal courts would test federal legislation by comparing it with the Constitution and would void such acts as were "plainly" unconstitutional.

Since that time, however, the power has been extended, both by federal and state courts, to a degree undreamed in 1787 by its most ardent champions. Especially has this been true of the federal Supreme Court, which, because of its life tenure, has been more independent of public opinion than state courts have been. Through this development, the Supreme Court has become not merely the "guardian" of the Constitution, but also the chief "amender" of the Constitution. (This peculiar American power of the courts is not a necessary accompaniment of a written constitution. It is not found in any of the European republics with written constitutions.)

3. Hamilton and his group failed to get life tenure for President and Senate, but they did get it for the judiciary. In early English history, the judges had been removable at the king's pleasure. The Stuart tyrants abused this power and debased the courts into servile tools. Therefore, the English Revolution of 1688 provided that judges should be removed only "on address." That is, a judge held for life, unless two-thirds of parliament voted that he should be removed. For such vote, however, no formal trial was necessary, or even formal charges of wrongdoing. English courts were made dependent upon the approval of parliament.

But the Constitution gave the federal courts a tenure more independent than had ever been known in England. Federal judges hold "during good behavior," and can be removed, not by address, but only by impeachment: i.e., conviction for "treason, bribery, or other high crime or misdemeanor," by a two-thirds vote of the Senate, after legal trial upon specific charges. Without affording any opening for such charges, the judiciary may thwart the popular will and the will of every other branch of the government for years. This feature of

American government is especially a stumbling block to foreign critics. One prominent French publicist expends much irony upon the "quaint anomaly" of a great republic, "claiming to be a democracy, but ruled absolutely, in the last resort, by an irresponsible oligarchy of nine appointed men, holding office for life."

### "CHECKS AND BALANCES"

The men of the Convention meant to establish a true electoral college to choose the President. They thought they had done so. They supposed there would be chosen in each state a select body of men, of high social standing and large property, and that these several bodies would appoint a chief executive after calm deliberation. But the growth of sentiment for popular government, together with the development of party nominations (page 347f.), has made the electoral college obsolete. The form, indeed, survives. Technically, each "elector" is still at liberty to vote his private choice for President and to change his mind, before voting, as often as he likes. But, in reality, each "elector" is chosen to vote for a particular candidate, and unwritten law makes it impossible for him to think of doing otherwise. The "electors" have become "mere letter carriers." The voter rarely reads their names on the tickets.

Eighteenth century liberals believed in "checks and balances" in government. In England, before the year 1400, centuries of struggle against an irresponsible monarchy had built into the "constitution" a system of reciprocal checks. No one part of the government—king, lords, or commons—could do anything of consequence against the determined opposition of any other part. This elaborate system of balances had been a victory for freedom, and it came to be looked upon as a necessary feature of free government. After the publication of Blackstone's law writings (1770), the "separation of

powers" (i.e., the reciprocal independence of executive, legislative, and judicial departments) became almost an axiom in English political thought.

In reality, however (as we can now see, though the men of the Convention failed to do so), English *practice* by 1787 was already a century ahead of that doctrine. The Revolution of 1688 had made the popular branch of the government supreme, except for a modified veto by the Lords. The system of "checks" had practically disappeared in England (in favor of a truer democracy), when it was adopted, in most elaborate form, in the American Constitution. Moreover, while in England it had been originally devised as a protection against an arbitrary monarch, it was adopted in America mainly as a protection against a "turbulent people." The "balances" in the Constitution have sometimes made for stability, but they have also often produced harmful deadlocks. When the people, after a long campaign, have deliberately chosen a House of Representatives to carry out their settled policy, they often have to wait two years to get around a Presidential veto, and perhaps two years or four years more before they have a chance to change a hostile hold-over majority in the Senate. Even then, a Supreme Court, by a vote of five to four, may nullify the popular will for a generation longer—though happily a dominant public trend of thought is likely to be reflected in court decisions more promptly.

### PROTECTION FOR PROPERTY

Repeatedly, the Convention refused to entertain a motion for a bill of rights for men;<sup>9</sup> but, besides the guardianship for wealth expected from Senate, President, and Supreme

<sup>9</sup> Articles IV and VI of the Constitution, it is true, do contain some essential provisions of a bill of rights—the strict definition of treason as compared with the meaning of that term in many other countries; the prohibition against ex-post-facto laws and bills of attainder; and the restriction upon suspension of the writ of habeas corpus.

Court, it inserted two express provisions to shield property. (1) Even the federal government can take private property only "by due process of law"—i.e., through the decision of a court after judicial trial; and (2) the states are forbidden to pass any law "impairing the obligation of contracts." By reason of these clauses, said President Arthur T. Hadley of Yale (in *The Independent* for April 16, 1908), property interests in America are "in a stronger position against any attempt at government control than they are in any European country."

So far as the second provision is concerned, this result could not well have been fully foreseen. It has come about through a remarkable decision of the Supreme Court (the Dartmouth College Case, 1819) extending the meaning of the word "contract" to include even the grants of privilege and power made by a state itself to public service corporations. As a consequence, many greedy corporations have been inviolably entrenched, for an indefinite period,<sup>10</sup> in special privileges which they got from corrupt legislatures and for which they give no fit return to society. In the hundred years from 1803 to 1903, the Federal Supreme Court declared fifty-seven state laws unconstitutional on the ground that they impaired the obligation of some "contract." Most of these had aimed only at needful regulation of great corporations in the interest of social well-being—such legislation as is common in European democracies like England or France or Switzerland.

## DEMOCRATIC INFLUENCE OF STATE CONSTITUTIONS

The Convention would have liked a much more aristocratic Constitution; but plainly if the Federal Constitution were

<sup>10</sup> According to the spirit of this decision, unless the state has limited the lifetime of a grant, or has expressly reserved its own right to change the grant at will, the grant runs forever. In recent years the states (led by Wisconsin) have in great measure guarded themselves against such danger for the future by expressly reserving their right to modify all such grants. That constitutional reservation thereafter becomes a part of every such "contract."

made less democratic than a given state constitution, it would be hard to secure ratification in that state. It was not going to be easy to get states enough at best. And so we owe such democratic character as the Constitution has, in great degree, to the relatively unknown men, who, ten years before, framed the Revolutionary state constitutions.

This was illustrated in the settlement of the franchise. The House of Representatives was the only part of the government left to be chosen directly by "the people." But who were "the people" in this political sense? Hamilton, Morris, and Dickinson strove earnestly to limit the franchise to freeholders—so as to exclude "those multitudes without property and without principle, with whom our country, like all others, will, in time, abound." Even Madison expressed himself as theoretically in favor of such restriction, fearing that a propertyless majority would either plunder the rich or become the tools of an aristocracy. Franklin argued vigorously against the restriction, urging the educational value of the franchise for the masses; and George Mason, in the language of his bill of rights of 1776, declared, "The true idea is that every man having evidence of attachment to the community, and permanent common interest with it, ought to share in all its rights and privileges." The defeat of the restriction, however, was due not to these lonely champions, but to the reminder that in more than half the states the state franchise was already wider than landholding, and that no voter could be expected to favor a Constitution that would disfranchise him in the federal government. The provision finally adopted, therefore, aimed to keep the suffrage as restricted as was compatible with probable ratification. The federal franchise was to be no wider in any state than the state franchise in that state.

This arrangement worked, unexpectedly, for democracy. The states, acting one by one, modified their constitutions in the direction of democracy faster than one great unit like the

nation could have done; and as any state extended its own franchise, so far it extended also the federal franchise.

## RATIFICATION

The "two critical decisions" of the Federal Convention were: (1) to substitute a new plan of government—instead of trying merely to "patch up" the old constitution; and (2) to put that new government into operation when it should be accepted by nine states, without waiting for all of them. This last decision was directly contrary to instructions from the state legislatures, which had made use of the language of the Annapolis call (page 297) in appointing delegates; and it was also in conflict with a specific provision in the Articles of Confederation—to which the states had solemnly pledged "their sacred faith." But men had come to see that America must either strangle in the grip of the old constitution, or she must break its bonds. Remedy in accordance with the "constitution" of the time had proved impossible. Wisely and patriotically the Convention recommended an unconstitutional remedy, and the country adopted it. The ratification of the Federal Constitution was a peaceful revolution. A friendly looker-on wrote:

Here, too, I saw some pretty shows: a revolution without blows: For, as I understood the cunning elves, the people all revolted from themselves.

When Congress received the Constitution from the Convention, it recommended the state legislatures to call state conventions to accept or reject it. The contest was now transferred from Philadelphia to the country at large. The advocates of the "new roof" shrewdly took to themselves the name Federalists,<sup>11</sup> instead of the unpopular term Nationalists, and

<sup>11</sup> Luther Martin of Maryland, who withdrew from the Philadelphia Convention towards its close, in justifying his action to the Maryland legislature, explains that the Convention had voted down a resolution for a "federal"

so left to their opponents only the weak appellation anti-Federalists. Every crossroads tavern became a stage for vehement oratory, and a torrent of pamphlets poured from the press. (Essays advocating ratification, written by Hamilton, Madison, and Jay week after week for the New York papers, were afterward collected in book form, and, under the title *The Federalist*, remain the most famous commentary on the Constitution.)

The proposed form of government was attacked partly for its encroachments on the states, partly for its undemocratic features. Opponents pointed to the absence of a bill of rights, to the infrequency of elections, and to the vast powers of the President and Senate (parts of the government remote from popular control). George Mason asserted that such a Constitution "must end either in monarchy or tyrannical aristocracy," and a sarcastic democrat, professing to be a Turk, praised the Constitution for "its resemblance to our much admired Sublime Porte." The real source of apprehension, however, was not any specific provision in the document so much as a vague distrust of the aristocratic Convention. Many people believed sincerely that the meeting at Philadelphia had been a "deep and dark conspiracy against the liberties of a free people," and "John Humble" ironically exhorted his fellow "low-born," dutifully to allow the few "well-born" to set up their "Divine Constitution" and rule the country.

Ratification was favored in all districts dominated by the capitalists of that day—merchants, shipowners, money-lenders, and holders of public securities, to which a strong government would give value. Even in agricultural districts it was advocated by most large landowners. It was bitterly opposed

form of government and had adopted instead a resolution for a "national government": "Afterwards the word 'national' was struck out by them, because they thought the word might tend to alarm; and although now they who advocate this system pretend to call themselves federalists, in Convention the distinction was quite the reverse."

by the small-farmer class, and therefore by most of the Western districts. Happily, these opposing forces generally lacked leaders able to contend with the Federalist champions in the give-and-take of the state conventions. Moreover, both parties had to admit the seriousness of the existing situation—and the anti-Federalists had no remedy to propose. The Federalists did offer one, for which they claimed no peculiar excellence but which, they urged, offered escape from anarchy—probably the only escape likely to be available. Under such pressure, many a flaming anti-Federalist, elected to a state convention expressly to reject the Constitution, came over to its support. Said John Adams afterward, "The constitution was extorted by grim necessity from a reluctant people."

The result would have been still more doubtful had the conventions fully realized the centralizing character of the proposed government. Henry Cabot Lodge (practical statesman and strong centralizer) says (*Daniel Webster*, page 176): "When the Constitution was adopted by the votes of States at Philadelphia, and accepted by the votes of States in popular conventions, it is safe to say that there was not a man in the country, from Washington and Hamilton on the one side to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment, entered upon by the States, and from which each and every State had the right peaceably to withdraw—a right very likely to be exercised." This is an overstatement; for men like James Wilson of Pennsylvania certainly held stronger views of the national character of the new government. William McDonald's statement, however (*Jacksonian Democracy*, 107), is well within the truth: "Had it been generally understood that the Federal government, once established, would be beyond control of the States save by the prescribed process of amendment to the Constitution, or that the Federal judiciary was to be the final interpreter of the Constitution in all cases

whatsoever, it may well be doubted whether the 'new roof' would have been accepted at all."



A strenuous nine months' campaign gave the Federalists bare victory. Organized and ready, they at first carried all before them, securing ratification during December and January in Delaware, New Jersey, Georgia, Connecticut, and, after a bitter struggle marked by sharp political maneuvering, in Pennsylvania. A long debate and the tardy aid of Sam Adams converted a hostile majority in Massachusetts, by a close vote, and somewhat later, Maryland and South Carolina were added to the list, making eight of the necessary nine ratifications. But the remaining states were long doubtful or opposed.

North Carolina and Rhode Island refused to ratify. They could be spared—as perhaps could have been New Hampshire, whose convention had adjourned for some months without action—but a failure in New York or Virginia would have upset the whole movement, not only because of their individual importance but also because of their geographical situation. In the conventions of both these states, as in that of Massachusetts and Pennsylvania, there was at first a strong hostile majority; and, after many weeks of argument and persuasion, to have defeated ratification would have required in the final vote a change, in Virginia, of only 5 out of 168, and, in New York, of 2 out of 57.<sup>12</sup>

The New Hampshire convention changed its mind, and ratified on June 15, 1788 (making the ninth state); but the absolutely essential accession of Virginia did not take place until June 25—just in time for word to reach the North for

<sup>12</sup>In all the critical states a direct vote of the people would surely have rejected it. There was only one such test. The Rhode Island legislature, instead of calling a convention, distributed copies of the Constitution among the voters and provided for a popular vote. The Federalists, certain of defeat, declaimed against this method, and remained away from the polls. The vote stood 2,708 to 232, against ratification. (Two years later, a convention accepted the Constitution, 34 to 32.)

the Fourth of July celebrations. At Albany the news caused the wildest excitement. The Federalists celebrated by firing ten guns for the new government. The anti-Federalists retorted with thirteen guns for the Confederation, which, they claimed, was still the constitutional government, from which the Federalists were trying to "secede." Afterward, they made a bonfire of a copy of the new Constitution and of the handbills announcing Virginia's ratification. In the ashes, the rallied Federalists planted a lofty pole with another copy of the Constitution nailed to the top. This Federalist jubilation was justified. The influence of Virginia's accession and the tireless logic of Hamilton at last prevailed in the New York convention, and the new Constitution had won.

New York's ratification, and therefore the victory for the nation, was due primarily to Hamilton. Never did his splendid intellect render his country nobler service. Day by day, against almost hopeless odds, in the New York convention, and for a time almost alone in debate, by powerful logic and gentle persuasion, he beat down and wore away the two-thirds majority against the Constitution, until at last the greater leaders of the opposition came frankly to his side.

### "WE, THE PEOPLE"

Who ratified the Constitution? The several states, as states? Or one consolidated people? The second view rests wholly on the opening words of the preamble: "We, the people of the United States, . . . do ordain and establish this constitution." Merely as language, these words have no more value than the Fifth Article of the Constitution, which says twice that the ratifying parties are the states; and such slight significance as the preamble might otherwise have disappears upon tracing its history.

The preamble appeared first in the report of the Committee of Detail, but it then read, "We, the people of the States of

New Hampshire, Massachusetts, Rhode Island [and so on through the list], do ordain," etc. Plainly, this did not mean a consolidated nation. It meant thirteen peoples, each acting directly, not through legislatures. The Convention accepted this wording without debate. Almost at the close of the Convention, the Committee on Style changed the words to their present form. No explanation was ever made by a member of the Convention for the change, but it explains itself. The Convention had now decided to put the new government into operation between the first nine states ratifying. It was impossible to name these in advance, and it would be highly improper to name any which might not come in; so all names were dropped out. No change of meaning was designed. The new form, like the first, was accepted without debate.

Outside the Convention, however, this was at first not understood, and states-rights men feared that the wording did mean a consolidated people—until Madison assured them that it did not. Samuel Adams wrote Richard Henry Lee: "I stumble at the threshold." And in the Virginia convention, Patrick Henry exclaimed: "What right had they to say, 'We, the people' . . . instead of 'We, the States'? If the States be not the parties to this compact, it must be one great consolidated national government of the people of all the States." Madison answered: "Who are the parties? The people;<sup>13</sup> but not the people as composing one great body: the people as composing thirteen sovereignties." Otherwise, he adds in proof, a majority would bind all the states; "but, sir, no State

<sup>13</sup> The writer once heard a federal judge, in a public address, quote this far, *and stop here*, to prove that Madison taught the doctrine of ratification by a consolidated nation. Horace Greeley's *Great American Conflict* (I, 81) contains a similar misrepresentation of the record. After quoting Henry's objections, with specific page reference to the records of the Virginia convention, Greeley continues, without page reference of course,—“These cavilers were answered frankly and firmly, ‘It is the work of the people of the United States, as distinguished from the States in their primary and sovereign capacity, and why should not the fact be truly stated.’” Of course, that was the way Greeley thought Henry ought to have been answered. The real answer was the precise opposite.

is bound, as it is, without its own consent.”<sup>14</sup> And he went on to explain that the words mean only that in each state the people were to act in the most solemn way, not merely through the usual legislative channel.<sup>15</sup>

In the *Federalist* (No. 39), Madison amplified this thought: Ratification “is to be given by the people, not as individuals, but as composing the distinct and independent States to which they respectively belong. It is the assent and ratification of the several States, derived from the Supreme authority in each State,—the authority of the people themselves [not merely from the subordinate authority of the State legislature] . . . Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act.”

This answer was final at the time. Even Patrick Henry did not recur to his objection on this point. But thirty years later, the doctrine of ratification by a consolidated people was revived, and was soon given added emphasis by the massive oratory of Daniel Webster, so that the idea took its place in the mind of the North as an essential article in the creed of patriotism. The plain historical fact, however, is that the thirteen states, looking upon themselves as thirteen distinct sovereignties, and, feeling absolutely free either to accept or reject the Constitution, did decide to accept it—and, by so doing, made possible the future development of one nation. Says William McDonald (*Jacksonian Democracy*, 109, 110): “Webster’s doctrine of ‘the people’ was a glorious fiction. It

<sup>14</sup> This disposes of a not uncommon statement to the effect that the united people acted by states as merely convenient election districts.

<sup>15</sup> No one had so good a right to speak with authority on all this as Madison had. He had originally suggested the method of ratification by state conventions, instead of by legislatures, and had been the chief advocate for it in the Philadelphia Convention.

Part of the confusion was due to loose use of political terms. Madison was one of the few men of the time who kept clearly in mind the fact that the state was really the people and not merely some temporary government. He desired ratification “by the States themselves” (in this high and proper sense), instead of by their temporary agents.

has entered into the warp and woof of our constitutional creed; but it was fiction, nevertheless. . . . If anything is clear in the history of the United States, it is that the Constitution was established by the States, acting through conventions authorized by the legislatures thereof, and not by the people of the United States in any such sense as Webster had in mind."

## CHAPTER XVI

### FEDERALIST ORGANIZATION

#### MAKING THE CONSTITUTION MOVE

**S**EPTEMBER 13, 1788 (two months after the eleventh state had ratified the Constitution), the dying Congress of the Confederation provided for the elections necessary to put the new form of government into operation. Several considerations relating to those first elections, and to the events of succeeding months, show that later American constitutional practice, after all, is less a matter of written law, and more of custom, than the average citizen comprehends.

The Constitution gave fairly definite directions as to election of Congressmen—though most states for a time did choose all their Representatives on one general ticket instead of by districts as has become the universal custom since—but how were presidential electors to be chosen? The Constitution was silent on this, and so each legislature had to fix the method for its state. Rhode Island and North Carolina had not yet come into the union, and New York lost her vote (as explained on the next page). In six states, the legislatures chose electors. Pennsylvania, Maryland, and Virginia chose them by popular vote, in districts. Massachusetts used a quaint union of these two methods. In no state did the people elect directly, on one general ticket, as is almost always done today.

Two legislatures gave forceful illustrations of the bitterness of party spirit and of disregard of the people's will. In elections by legislatures, custom favored a joint ballot (the two Houses voting as one body), and this method was used without question in five of the six states which chose electors by

legislatures. But in New Hampshire, the upper House was Federalist, while the more numerous and more representative lower House was anti-Federalist. The Senate insisted upon a concurrent vote—as ordinary bills are passed—so that it might have a veto on the other House. The wrangle lasted for weeks, but, at the last moment, the larger House surrendered and chose electors acceptable to the smaller one. In New York the situation was similar, but there the anti-Federalist House refused to yield its right, and that state lost its vote altogether.

There had been no formal nominations. With a unanimity creditable to a general good sense, it was everywhere agreed that Washington must be made President, and all of the sixty-nine electors<sup>1</sup> so cast their votes. But for Vice President there was no such agreement. Anti-Federalists had hoped to elect George Clinton of New York, but that plan fell to pieces when New York failed to choose electors. Eleven names were voted for—Virginia dividing her ten votes between Adams, Jay, Hancock, and Clinton. John Adams was elected by thirty-four votes—one less than half, but enough before the Twelfth Amendment.

The new ship of state was happy, indeed, in having Washington for its pilot-captain on this trial voyage. The President's mere physical qualities were of no mean value. A veritable giant, even more than Jefferson or Lincoln, he had also a massive stateliness that neither of those great successors did have—conferring of itself a presumption of dignity upon the government of which he was the head. The moral and intellectual qualities that had made him the savior of his country in the Revolutionary War were, of course, beyond

<sup>1</sup> The ten states that took part in the election were entitled to seventy-three votes. But, curiously enough, two of the twelve Virginia districts failed to hold elections to choose electors, and two Maryland electors, after being chosen, failed to attend their electoral meeting—because of gout and poor roads.

price in this hardly less critical office. By temperament, Washington was an executive. He was not in any degree a speculative thinker: he was a man of action,<sup>2</sup> but of well-considered action. Books seem to have had almost no place in his life, after his early years at least. A courteous host, he could be an admirable listener, though not a brilliant conversationalist, and he gave a sound and searching common-sense consideration, lighted by a wide experience, to projects advanced by others and especially by his constitutional advisors. It is a highly suggestive fact that the comprehensive and precious counsel to his countrymen in his famous Farewell Address eight years later was based, in not the slightest degree upon political or social theories, but wholly upon the concrete experiences of those years.

The Congress of the Confederation had named the first Wednesday in March for the inauguration of the new government at New York City. On that day, however, only 8 Senators out of 22, and 13 Representatives out of 59, had arrived, and the electoral votes could not be counted. The two Houses met from day to day, for roll call, and sent occasional urgent entreaties to dilatory members in neighboring states; but not till almost five weeks later (April 6) was the necessary quorum secured. Then, on April 30, Washington was inaugurated with great state and solemnity.

For nearly three weeks, Congress wrangled over matters of ceremony. After solemn deliberation, the Senate recommended that Washington be styled "His Highness, President of the United States of America and the Protector of the Liberties of the Same." (John Adams would have preferred "His Majesty, the President.") The more democratic Representatives insisted on giving only the title used in the Constitution—"President of the United States." Finally, this House sent

<sup>2</sup> John Fiske says, rather neatly, that Washington was "a typical English country gentleman—reared on the right side of the Atlantic."

an address to Washington by this title; and the Senate had to lay aside its tinsel.

During the debate, one particularly quaint episode occurred. The minutes of the Senate referred to the speech with which Washington had "opened" Congress as "His most gracious speech," the form used in the English parliament regarding the speech from the Throne. Senator Maclay objected to the phrase, and finally it was struck from the record. Vice President Adams, however, defended it hotly, declaring (according to Maclay) that if he could have foreseen such agitation, he "would never have drawn his sword" against England in the Revolution. Maclay tells <sup>3</sup> us, too, that Adams (presiding in the Senate) spoke forty minutes from the chair in opposition to the simple form of title for the President. "What," he exclaimed, "will the common people of other countries, what will the sailors and soldiers, say of 'George Washington, President of the United States'? They will despise him to all eternity!" On the other hand, Jefferson, in Paris, exulted at the defeat of the proposed title—influenced in part by the leveling spirit of the opening weeks of the French Revolution. "I hope," he wrote, "that the titles of Excellency, Honor, Worship, Esquire, forever disappear from among us from that moment. I wish that of Mr. ["Master," still connoting social rank] would follow them."

It has been too much the custom to ridicule the objectors to these "harmless" forms and titles in this critical struggle

<sup>3</sup> William Maclay, from western Pennsylvania, was one of the few democratic Senators. During his term of office he kept a diary, quite in the Pepys style, with exceedingly intimate entries (as to weekly or more occasional baths, for instance) but also with much exceedingly valuable matter. This Journal should be accessible to every student of this period. Maclay was an honest, well-meaning, rather suspicious man, without breadth of view or social graces, but with an ardent belief in popular government. He was no hero worshiper. John Adams (his pet aversion) is credited with "a very silly kind of laugh . . . the most unmeaning simper that ever dimpled the face of folly." Madison is styled "His Littleness." Hamilton appears with "a very boyish giddy manner." Even Jefferson wears "a rambling, vacant look."

for simplicity. The titles were "harmless," but the violent and ridiculous spirit in which they were demanded was not. The aristocrats believed that government ought to be hedged about with ceremonial to secure due reverence from its "subjects." No doubt, the objectors also were sometimes ridiculously vehement, but at least let us acknowledge gratefully our debt to them for turning the current of American practice away from Old World trappings of childish or slavish ceremonial toward manly simplicity and common-sense.

Other questions had to do not merely with ceremony, but with power,—as in fixing the relation between President and Senate. Thus, the Constitution requires the consent of the Senate to Presidential appointments and to treaties, but does not say how that consent shall be given. Washington and his Cabinet were at first inclined to treat the Senate as an English monarch treated his Privy Council. When the first nomination for a foreign minister came up (June 17), Vice President Adams attempted to take the "advice and consent" of the Senators one by one, viva voce, and without opportunity for debate or investigation. This attack upon the independence of the Senate was foiled by Maclay, who insisted upon vote by ballot.

A still more important incident concerned a treaty with certain Indian tribes. Instead of sending the printed document to the Senate for consideration (as is done now), Washington came in person (August 22), took the Vice President's presiding chair, asked Secretary Knox to read the treaty aloud (which was done hurriedly and indistinctly), and then called at once for "advice and consent," to be given in his presence. As Maclay properly observes, there was "no chance for a fair investigation while the President of the United States sat there with his Secretary of War to support his opinions and overawe the timid and neutral." The question was being

put, when Maclay's sturdy republicanism once more intervened. He called for certain other papers bearing on the subject, and this resulted in postponement. Maclay asserts that Washington received the first interruption with "an aspect of stern displeasure," and that at the close he "started up in a violent fret"; but the President was too wise not to recognize the substantial objections to the method he had tried, and all such later communications to the Senate he sent in writing—though he continued to deliver in person to Congress those "messages" that did not call for instant action.

The Constitution, by its language, suggests single heads for executive departments (rather than the committees customary under the old Confederation). Congress at once established the departments of State, Treasury, and War—together with an Attorney-Generalship. Washington appointed as the three "Secretaries," Jefferson, Hamilton, and Henry Knox, and made Edmund Randolph the Attorney-General. These officials were designed, separately, to advise and assist the President: neither the Act of Congress nor the Constitution made any reference to them as a collective body—that is, as a "Cabinet." Indeed, several proposals for such an advisory council had been voted down in the Federal Convention. The Constitution provides merely that the President "may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." This gives no warrant for asking advice, for instance, from the Secretary of War upon a matter of finance; but almost at once Washington began to treat the group as one official family. When he was troubled as to the constitutionality of the Bank Bill (page 342), he asked both Hamilton and Jefferson for written opinions; and, in 1793, when the war between England and France raised serious questions as to the proper policy for America (page 350),

he called the three Secretaries and Randolph into personal counsel in a body. This was the first "Cabinet meeting."<sup>4</sup>

The Constitution made it the duty of Congress to provide Supreme Court. The "original jurisdiction" of that Court was stated in the Constitution, but Congress was left at liberty to regulate the appellate jurisdiction and to provide inferior courts, or not, at its discretion. The Judiciary Act of 1789 established a system of which the main features still remain. (1) A Supreme Court (a Chief Justice and five Associate Justices) was created, to sit at the Capital; (2) thirteen District Courts, each with a resident judge, were established, covering the entire Union; (3) these Districts were grouped in three Circuits, each with its Circuit Court—consisting of a District judge and one or two Supreme Court Justices "on circuit";<sup>5</sup> and (4) appeals to the Supreme Court were provided for, not only from these two grades of inferior federal courts, but also from any state court, in all cases where such a court had denied any right or power claimed under a federal law or treaty or under the Constitution.

This part of the law still makes the federal judiciary the final arbiter" between states and nation. Congress might have given narrow limits to the appellate power, but this act extended that power to include every possible case of conflict between states and nation. The establishment of the inferior

<sup>4</sup> By custom, the Cabinet has grown into a vital part of the government, with at least one stated Cabinet day each week. From time to time Congress has decreed new departments. In 1798, a Secretary of the Navy was given part of the duties of the old Department of War. The Post Office was established in 1790 as a part of the Treasury Department, but in 1829 the Postmaster General became the equal of the other heads of departments. In 1849 there was added a Department of the Interior; and out of this were carved the Department of Agriculture, in 1889, and the Department of Commerce and Labor in 1903. The last was again divided in 1913 into the Department of Commerce and the Department of Labor. The Attorney General became the head of a Department of Justice in 1870.

<sup>5</sup> It is important to observe that there were no distinct Circuit Judges at this time. (Cf. page 365.)

federal courts also greatly magnified the authority of the federal judiciary at the expense of state courts, since it made federal courts readily accessible.

### THE FIRST ELEVEN AMENDMENTS

On the other hand, the power of the Supreme Court was soon limited by an amendment to the Constitution. The first decision to draw public attention to its enormous powers was in the case of *Chisholm vs. Georgia*, in 1793. Chisholm, a citizen of South Carolina, sued to recover a debt from the state of Georgia. The Constitution states that "the judicial power shall extend . . . to controversies between a State and citizens of another State." Georgia, however, claimed that this phrase meant only that a state could sue private citizens in the federal court, not that a state could itself be sued by private individuals. The words must be taken in the light of the state-sovereignty ideas of that era, and beyond all doubt this understanding by Georgia was the general understanding when the Constitution was ratified. In the ratifying conventions, fear had been sometimes expressed that the clause might enable a private citizen to sue "a sovereign State." In all such cases, the leading Federalists explained that such meaning was impossible. Madison, in the Virginia convention, declared the objection "without reason," because "it is not in the power of individuals to call any State into court." In the same debate, John Marshall (afterwards Chief Justice), in defending the clause, exclaimed, "I hope no gentleman will think that a State will be called at the bar of a Federal Court. . . . It is not natural to suppose that the sovereign power should be dragged before a court. The intent is to enable States to recover claims against individuals residing in other States." And Hamilton in the *Federalist* (No. 81) declared any other view "altogether forced and unaccountable," because "it is

inherent in the nature of sovereignty not to be amenable to the suit of an individual without its own consent."

Now, however, the Court, by a divided vote, assumed jurisdiction. Georgia refused to appear, and judgment went against her. Georgia thereupon threatened death "without benefit of clergy" to any federal marshal who should attempt to collect the award. Civil war was imminent. Similar suits were pending in other states, and there was widespread alarm. The legislatures of Massachusetts, Connecticut, and Virginia passed vigorous resolutions denouncing the Court's decision as "dangerous to the peace, safety, and independence of the several States." Then Congress by almost unanimous vote submitted to the states the Eleventh Amendment, which was promptly ratified. This amendment was an interpretation, rather than a modification. It reversed the decision of the Supreme Court and completely upheld Georgia's contention as to the meaning of the Constitution.

By like action, even earlier, the people had sought to limit the powers of the federal government by modifying the written document that defined those powers. Indeed, such limitation was essentially part of a bargain which had secured the ratification of the Constitution. Seven of the ratifying state conventions had proposed amendments to the Constitution, 124 in number, and the more important ones of these the Federalist leaders had pledged themselves to secure. Accordingly, early in the first session of the first Congress, Madison introduced a list of twenty amendments. Twelve were adopted by Congress, and ten were ratified by the states. These are commonly known as "The Bill of Rights." They forbid Congress<sup>6</sup> to interfere with freedom of religion, free-

<sup>6</sup> These amendments were intended to restrict the central government only, and the restrictions should not be thought to apply to the states, also. Congress can give no religion preference over another, but a state legislature may do so—unless forbidden by the state constitution. Some states did have "established churches" for many years longer.

dom of the press, or freedom of petition, and they prohibit general warrants or excessive bail or cruel and unusual punishments. They further guarantee to citizens a right to trial by a jury of the neighborhood in criminal accusations and in civil cases when the amount in dispute exceeds twenty dollars. The Ninth and Tenth emphasize the idea that the federal government is limited to those powers expressly enumerated in the Constitution. Recently the aftermath of the World War has given peculiar importance to the First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; *or abridging freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.*" Indeed, before the close of the twelve-year Federalist period, the provisions here italicized were to be grossly disregarded by the dominant party (page 361f.).

### HAMILTON'S FINANCE

Congress made appropriations the first year amounting to \$640,000—about one-hundredth as much per citizen as the cost of government in recent years, even before the World War—and it provided for this expense by a low tariff. The rates averaged about 7½ per cent, and the bill was based upon the idea in the attempted "revenue amendments" of 1781 and 1783 (page 292). Pennsylvania members secured some alterations intended to "protect" American manufactures, and this purpose was finally stated in the title of the bill. Strictly speaking, however, the law remained a tariff for revenue, with "incidental protective features."

Meanwhile Hamilton, with marvelous skill and industry, had worked out a plan (in four main parts) to care for the old debts and to put the chaotic finances of the nation in order.

1. He recommended that the government fund the Con-

## HAMILTON'S FINANCE

tinental debt—both the \$11,500,000 due abroad and the \$500,000 of certificates held at home—by taking it up at its value in exchange for new 6 per cent bonds payable in fifty and twenty years. (About a third of the domestic debt, an eighth of the foreign, consisted of unpaid interest.)

Congress gave unanimously the inevitable approval to the scheme so far as concerned the foreign debt. Many members objected, however, to taking over in full the *domestic* certificates—which for the most part had passed into the hands of speculators at twelve or fifteen cents on the dollar (p. 286). Four out of every five Congressmen, indeed, at the next election, had intended to scale down this part of the debt, and many were pledged to do so. Where, they asked, was the necessity or propriety in voting new fortunes out of the taxpayers' money to the moneyed speculators who had traded away the needs of poor men—and of their country. But Hamilton urged with forceful persistence that only full payment to the present holders<sup>7</sup> would establish the national credit or redeem the sacred faith pledged by the old Congress as the price of Independence<sup>8</sup>—and finally this view prevailed.

Unhappily it must be confessed that a bloc of Hamilton's supporters, indispensable to the victory, was made up of Congressmen who were themselves holders of such securities whose votes, therefore, inured to their private fortunes. Moreover, even before Hamilton's proposals were laid before C

<sup>7</sup> Everyone professed willingness to pay original holders of the certificates all that the certificates had meant to them. Indeed, Madison, parting company now with Hamilton, prepared a complex scheme for a commission to take off the domestic debt after full inquiry, paying original holders in full, if they still held the paper, and, in other cases, paying the later purchasers whatever they had given for the certificates, and giving the rest of the value to the former holders.

<sup>8</sup> Much the larger part of the Revolutionary debt, however (the *Continental currency*), was practically ignored. Congress did arrange to pay a cent for the dollar for it—and eventually some \$6,000,000 was so "redeemed." This was only a fortieth of the original issues. The vast numbers of holders who had preserved the paper at all could hardly bother with redemption at that rate. Hamilton's plan deserves praise because it was wise because it was particularly honest.

gress, his purpose leaked out, and wealthy men in New York and Philadelphia hastily started agents in swift-sailing vessels for distant states, and on horseback for the back counties, to buy up certificates at the prevailing prices, before the news should arrive. Many believed that Hamilton himself was corruptly interested in this speculation. From this charge, happily, he can be absolutely acquitted, but he had been careless in letting out official secrets to less scrupulous friends, and some of his supporters in Congress were engaged in this as well as in earlier speculations in such securities.

2. Hamilton planned also for the federal government to assume the war debts of the states (\$22,000,000). This part of his scheme was long in danger. States that had already paid their debts resented bitterly the prospect of now having to help pay also the debts of other states, and states-rights men denied the constitutional authority of Congress to *assume* debts. The measure was finally carried by a log-rolling bargain—one of several attempted by Hamilton for the purpose. Jefferson was persuaded to get two Virginia votes for “assumption,” in return for Hamilton’s promise of Northern votes to locate the Capital on the Potomac.

Thus the total debt of the new nation was some 74 millions—or about as much per head as the annual expenses of government a century later. (Several arrangements made it really less than this: some of the domestic debt was paid in wild lands.)

All this was vigorous financiering. American credit was established at a stroke. Confidence returned at home. Money came out of hiding, and America entered upon an era of business prosperity. It should be noted, however, that (according to all recent economic students of the period) the panic of 1783-1785 had really passed, and a new era of prosperity begun, *before* this legislation—though the change had not as yet



*A Hamilton*

HE SMOTE THE ROCK OF NA-  
TIONAL RESOURCES, AND ABUN-

DANT STREAMS OF REVENUE GUSHED FORTH.—DANIEL WEBSTER.

been fully realized by any but the shrewdest observers. At the opening of 1787 the keen-eyed Franklin had spoken emphatically of the restored prosperity of the country. In the mere matter of rebuilding business prosperity, therefore, it seems probable that Hamilton deserves rather less credit than history has commonly awarded him.

But Hamilton's work was more than mere financiering. The great Secretary cared as much for the political results as for the financial. He saw that these measures would be "a powerful cement to union" "by arraying property on the side of the new government." Especially was this true of assumption. If that part of the plan had failed, then all holders of state bonds would have been inclined to oppose national taxation as a hindrance to state taxation—whereby they themselves would have had to be paid. After "assumption" carried, all such creditors were transformed into ardent advocates of the new government, and of every extension of its powers, because the stronger it grew and the more it taxed, the safer their own private fortunes. The commercial forces of the country were consolidated behind the new government.

Jefferson soon regretted bitterly his aid to this centralizing force, and complained that (just back from France) he had been tricked by Hamilton. "Hamilton's system," said he, "flowed from principles adverse to liberty, and was calculated to undermine the Republic." Still more to the point, as Hamilton's plans for taxation developed, Jefferson began to see that the new policy benefited Northern capitalists (merchants, ship-owners, and manufacturers) at the expense of the agricultural interests and of labor. It was this conflict of economic interests that soon became the moving principle in the alignment of new political parties (page 343f.).

3. The funding of the old debt, and especially the assumption of state debts, made it necessary for the government to have a larger revenue—so that it might at least pay the interest

on its new bonds. Another part of Hamilton's plan dealt with this need. In accord with his recommendations, duties were increased slightly on imports,<sup>9</sup> and, in 1791, Congress imposed a heavy excise on spirits distilled at home.

In that time, whisky, a universal drink, was manufactured in countless petty stills scattered over the country, especially in the poorer western counties where the farmer could not market his grain in any other way. A pack-horse could carry not more than four bushels of grain; but, reduced to the form of whisky, he could carry twenty-four bushels. Western Pennsylvania is said to have had 3,000 stills. These small producers in the western districts rarely saw much currency, and they felt it a cruel hardship to have to pay the tax, particularly in advance of marketing the whisky. The legislatures of North Carolina, Virginia, Maryland, and Pennsylvania passed vehement resolutions condemning the law; and in four western counties of Pennsylvania the United States officials were driven out or set at naught for three years—by methods that make a curious parody upon those used toward English officials in the years before the Battle of Lexington.

This was the Whisky Rebellion—the first rebellion against the federal government. Finally, under Hamilton's advice, Washington marched 15,000 militia from neighboring states into the insurgent district. This was an imposing show of force for that day. (Rarely during the Revolution had Washington had so large and efficient an army at his command. Indeed, the forces that captured Yorktown, including the French allies, had been only one thousand men larger.) The new government had demonstrated effectively that it was able and determined to enforce its laws. Two leaders of the rebellion were tried for treason and condemned to death, but Washington gave them pardons—in spite of Hamilton's and Adams' urgent desire for an "example."

<sup>9</sup> Hamilton was an extreme "protectionist," to use a later term, as his remarkable Report on Manufactures (of 1794) shows, but he did not succeed in securing that policy in his day.

4. Hamilton also induced Congress to incorporate a National Bank. The government held part of the stock, and named some of the managing board. In return, the Bank acted as the agent of the government in securing loans, and took care of the national funds. In other respects, it was like other banks—receiving deposits, issuing paper notes (which made a much-needed currency), transferring credits and cash from one part of the country to another (the central bank, in Philadelphia, having branches in all important centers), and making loans on suitable security. Critics soon pointed out the danger that a bank connected with the government might exert tremendous political influence for the party in power by granting or refusing loans. But banking facilities had been meager (indeed, there were only three banks in the country in 1788), and the convenience of this institution bound the commercial classes still more closely to the new government.

The creation of the Bank led to the first discussion regarding “implied powers” (page 307f.). To create a corporation is not among the powers “enumerated” for Congress. Indeed, efforts to include that particular power had been defeated in the Philadelphia Convention. Hamilton, however, insisted that the authority was given by the “necessary and proper” clause. “Necessary,” he urged, meant only “suitable”; and a national bank would be a suitable and convenient means to carry out the enumerated powers of borrowing money and caring for national finances.

After serious hesitation, Washington signed the bill. He had invited opinions from Jefferson as well as from Hamilton (page 332), and the debate between the two great Secretaries began the dispute as to “strict construction” and “loose” or “broad” construction of the Constitution. Hamilton’s arguments, both for implied powers and also for the meaning of the “necessary and proper” phrase, were adopted later by Marshall in epoch-making decisions of the Supreme Court.

## THE RISE OF POLITICAL PARTIES

*There is nothing I dread so much as the division of the Republic into two great parties, each under its leader. . . . This in my humble apprehension is to be feared as the greatest political evil under our Constitution.*—JOHN ADAMS, in October, 1792.

The first three years of Washington's administration saw no political parties. The adoption of the Constitution had ended the first nation-wide contest. Within a few months all opposition to the new form of government died out—and the old political divisions died with it. Some writers have said that Washington tried to reconcile the two old parties and so appointed to his Cabinet two leaders from the anti-Federalists—Jefferson and Randolph. This is absurd. Jefferson had criticized the Constitution—though less severely than Hamilton had—but he, too, had used his influence for its ratification. And, though Randolph refused to sign the final draft of the Constitution at Philadelphia, he had, afterward, in the Virginia convention, been one of the chief leaders for ratification. The Cabinet represented merely the different wings of the party of ratification. Hamilton, as he freely acknowledged, hoped yet to build, by administrative measures, a much stronger government than the Constitution had expressly provided for: Jefferson wished to keep the government as nearly as possible as the letter of the Constitution had created it.

But this difference of itself foreshadowed new party divisions, and there were other forces working in the same direction. Men soon found themselves for or against the plans of the government according as they favored (1) commercial or agricultural interests, (2) aristocracy or democracy, (3) a strong or a weak government, and (4) England or France. The first of these differences—that concerning economic interests

—was the fundamental one (page 340). The others arranged themselves accordingly. The commercial interests wished a strong government (page 311); favored England, because our commerce was mainly with that country; and were impelled toward aristocracy—to which they had always been inclined—because aristocratic England was now the main European champion against democracy in the wars of the French Revolution. This group, therefore, drew also to itself what was left of the old “Tory” element in America. On the other hand, the agricultural districts were the stronghold of democracy. They distrusted strong government, kept the Revolutionary hatred for England, and were warmly attached to France, not merely because of her aid in that struggle but also as the present European champion of democracy.

Hamilton stood for the commercial, aristocratic, pro-English view: Jefferson, for the agricultural, democratic, pro-French tendency. Soon the two men were contending in the Cabinet (in Jefferson’s phrase) “like cocks in a pit.” By 1794, both had resigned; but even sooner, the divergent views in the country had crystallized into new political parties under these leaders. Jefferson believed that Hamilton’s policy, if not checked, would result in monarchy, and he called his own party “Republican.” His opponents tried to discredit it by stigmatizing it “Democratic,” and shrewdly took to themselves the old name “Federalist.” Unhappily, but naturally enough, the new party lines were largely sectional. Commercial New England was Federalist; the agricultural South was Republican. (The early conflicts in Congress—on assumption, the courts, the tariff, the Bank—had all been conflicts between North and South.)

Jefferson first uses the term Republican as a party name in a letter to Washington in May, 1792: “The Republican party among us, who wish to preserve the government in its present form . . .” Years later he affirmed he had heard Hamilton call the Constitution “a shilly-shally thing, of mere milk and

water, which . . . was good only as a step to something better," and later still he declared: "The contests of that day were contests of principle between the adherents of republican and of kingly government." But if Jefferson accused his opponents of plotting against the Republic, they, even more absurdly, accused him of plotting to overthrow all society, in the interest of bloody anarchy (pages 368-9). It took a generation for men to learn that political difference did not mean moral viciousness.

§

*Excursus on Party Government.*—It is well to be on our guard against all too simple and too doctrinaire explanations of great movements in complex human society. Even this first political fission in America was by no means wholly determined by economic bias—which it is the fashion today to emphasize. That important factor was often modified and sometimes reversed by the varying social ideals of individuals and of communities—and those social ideals, we know, do not always correspond to the personal interests of the holders.

Some thinkers have held that this idealistic factor ought to be, and can be, the controlling one in political organization. Government by party, they urge, is most wholesome when party lines correspond, not to sectional or class interests, but to the *natural* difference between conservatives and progressives. That difference is a mighty factor in politics. Some men see more clearly than others the present good and the possible dangers in change, and feel that to maintain existing advantages is more important than to try for new ones. Other men see more clearly the existing evils and the possible gain in change, and feel that to improve conditions (even at the risk of experiment) is more important than merely to preserve existing good.

When these differences are the main thing to determine the division into political parties, each party, it is true, will still

draw its strength from some of the noblest and some of the basest qualities. The true reformer will find himself associated with reckless adventurers and self-seeking demagogues: the thoughtful conservative will find much of his support in the selfishness and stupidity of comfortable respectability and in the greed of "special privilege." "Stupidity," says Lecky (from whom much of this passage is roughly condensed), "is naturally Tory, but Folly is naturally Liberal." And Colonel Higginson wrote of these first American parties: "Some men became Federalists because they were high-minded, and some because they were narrow-minded, while the more far-sighted and also the less scrupulous became Republicans."

Over against this drawback to government by party stands another undoubted gain. Two parties wholesomely check one another. The shift of a small part of the total vote will usually overthrow the ruling party, and this consideration tends to keep it moderate and reasonable in the exercise of power. In practice, this unforeseen "check of parties" has been more useful than the elaborate system of "checks and balances" in the Constitution between President, Judiciary, and the two Houses of Congress.



There was no nation-wide contest between the two new parties until 1796. Washington was a strong Federalist, but few Republicans were willing to oppose the reelection of so exalted a patriot, and in 1793 he again received every electoral vote. Adams became Vice President again, by 77 votes to 50 for George Clinton. The Republicans had been handicapped in their campaign for Clinton by the lack of a candidate of their own party for the presidency, but they did secure a strong majority in the new House of Representatives.

In 1796, Washington refused to be a candidate, and the Federalist leaders were obliged to fall back on John Adams, intensely disliked though he was by Hamilton. Adams was

vain and pompous, but he was high-minded, patriotic, and extremely able, and he had kept a large part of his Revolutionary popularity with the masses in New England. Federalist Congressmen, in caucus, nominated Adams and Thomas Pinckney. Republican Congressmen nominated Jefferson.

In that day, before the Twelfth Amendment, each elector voted for two men—without specifying one for President and the other for Vice President. The Federalists won 71 electors; the Republicans 68. All Federalist electors voted for Adams, making him President, but several threw away their second votes (to prevent a tie for the first place between their own candidates), so that Jefferson with his 68 electors ran ahead of Pinckney. This gave the country President and Vice President from opposite parties!

The nominations in 1796, as described above, mark the first use of the Congressional caucus for nominating purposes—a device that was to hold sway for the next thirty-five years. In New England town government, however, the caucus was an old piece of political machinery. John Adams has left the earliest account of it as it appeared in Boston (*Diary* for February, 1773):

This day I learned that the caucus club meets at certain times in the garret of Tom Dawes. . . . He has a large house, and he has a movable partition in his garret, which he takes down, and the whole club meets in one room. There they smoke tobacco till you cannot see from one end of the room to the other. There they drink flip, I suppose, and there they choose a moderator, who puts questions to vote regularly; and selectmen, assessors, collectors, firewards, and representatives are regularly chosen before they are chosen by the town. [It was his control over this caucus which made Samuel Adams for so long the “boss” of Boston.]

By 1790, it had become customary in state legislature for members of each clique or faction to “caucus” in order to nominate its candidates for state offices; and the device was

now seized upon by the new parties in Congress for national nominations. Of course, it destroyed at once and completely the intention of the Constitution that the chosen electors should "deliberate" and make their own choice, and so "refine the popular will." Now it remained only for them to follow the "recommendation" of the party caucus.

This is one of several possible illustrations of the curious fact that the men who made the Constitution did not foresee party government. Neither directly nor by implication is such a thing ever referred to in the debates of the Philadelphia Convention. The Constitution (so wise in nearly every respect) makes no provision for the chief force soon to run its machinery. Those thinkers who were beginning to foresee party government at all thought of it only as a dreaded possibility—as John Adams in the quotation on page 343.

*f*

The new force of party politics, too, was soon deeply affected by the expansion of the nation. The reunion of the thirteen states had been completed early in Washington's first term. North Carolina ratified the Constitution in November, 1789, and Rhode Island did so in 1790—not, however, until she had been threatened with the exclusion of her trade from the Union and had been told that she must pay her share of the Revolutionary debt anyway.

At almost the same time, the Union began its vast hundred-year expansion by the admission of new states—Vermont in 1791, Kentucky in 1792, Tennessee in 1796, and (early in the next period) Ohio in 1803. Vermont and Kentucky gave the vote to all white men, and the other two, without going quite to manhood suffrage, were more liberal in this matter than the older states at that time—except New Hampshire, which had always kept its frontier character and which had adopted manhood suffrage in 1792. This admission of western states gave America a new impulse toward democracy. At the mo-

ment, moreover, it spelled approaching doom for the old Federalists and prophesied long life for Republicanism.

At the same time, however, a change was foreshadowed for that Republicanism. The new commonwealths had not had the long independent life as sovereign bodies that Massachusetts or Virginia had had. They were true children of the Union, and, in spite of the independence of the frontier, they soon showed a stronger national feeling than could be found in the older states. The one most powerful force in our history on the side of union and strong government was to be the addition, in like manner, of many more new states carved out of the national domain.

Still, the quarrels over the admission of these states made even more plain than before the perilous sectional division within the Union (page 344). Seven of the original states (all of them north of Maryland and Delaware) had abolished slavery within their borders, soon after the Revolution, or at least had provided for its gradual abolition. The other six had kept slavery. There was also considerable support for slavery, still, in some of the recent "slave states"—so that in the Senate the two parties on all slavery questions were practically equal. North and South were each firmly determined that the other should not overturn that balance in its own favor. The bills for admitting Vermont and Kentucky were passed within a few days of each other—as part of a plan expressly to maintain that ratio. For a time, Tennessee made the number of slave states and free states just equal; but Ohio restored the old preponderance of one for the free states. This matter long continued to be a main consideration every time there came up a question of a new state.

## CHAPTER XVII

### FOREIGN RELATIONS, 1792-1800

*Nothing is more essential than that permanent antipathies against particular nations, and passionate attachments for others, should be excluded.*—WASHINGTON, "Farewell Address."

THE French Revolution began one week after Washington became President, if it be dated in the usual way from the gathering of the States General. That tremendous movement soon involved all Europe in war, and the new-born American nation had only four years of quiet, to arrange its pressing affairs, before it, too, was drawn into serious foreign complications. Those complications absorbed much American energy and vitally affected American development for twenty-five years, and they were of particular interest during this Federalist period.

#### WASHINGTON'S NEUTRALITY PROCLAMATION OF 1793

At first, popular sympathy went out enthusiastically to the French Republic in its desperate struggle against the "coalized despots" of Europe. From one end of America to the other (outside the commercial classes) there burst forth a fine frenzy for "Democratic clubs," with other imitations of new French customs, and loud demands were voiced that we return to France, in her need, the aid we had received from her in our own Revolution.

Washington steadfastly withstood this popular movement. On receiving news of war between France and England, in the spring of 1793, he called the first Cabinet meeting (page 332), and, with the unanimous approval of that body, decided upon

his famous "Neutrality Proclamation." The President had no authority to fix the policy of the nation. That belongs to Congress. Accordingly, the proclamation did not say that the United States would remain neutral. It did call the attention of our citizens to their duties while we were neutral, and it dwelt effectively upon the advantages of neutrality. It was really an impressive argument for that policy. At the moment, however, its chief result was a storm of virulent abuse directed at Washington, as a tool of Britain, for his alleged ignoring of the American obligations to France under the treaty of alliance of 1778—only fifteen years old. Seemingly, if the nation could have made use of a popular referendum on the matter, it would have voted heavily for joining France in her war—ruinous as such a policy must then have been to America.

The treaty with France did contain clauses regarding American ports and the fitting out of French cruisers, in case of a future war like this one, as well as regarding the reception of French prizes, that might readily be interpreted in such a way as virtually to make us an open ally of France in the war. But Washington and his Cabinet (even Jefferson assenting, in spite of his French sympathies) had determined upon a nice interpretation that would avoid open hostility with England—and victory for this policy was soon secured in the nation through a fortunate indiscretion of the new French minister, "Citizen" Genêt.

Genêt landed at Charleston, April 8, and was received with the wildest transports of joy not only in that city but all along the route of his triumphal journey northward to Philadelphia (then the temporary capital). From the first, too, he raised troops for France and used American ports as if they were virtually French. In all this he had at first a general popular sympathy. Washington, however (and Jefferson as Secretary of State), promptly checked these efforts to embroil America with England—and Genêt made the fatal mistake of threatening publicly to appeal to the American people over

the head of the President. The hottest Republicans were hardly ready openly to approve such insolent interference in our domestic affairs by a foreign agent—especially by one enjoying diplomatic privileges—and when Washington promptly demanded that France recall her minister, the American people generally supported this defense of its government's dignity.

Then public opinion began overwhelmingly to approve Washington's stately recommendation for neutrality. That policy was established by the informal mandate of the nation, and America was started upon a century-long period of separation from Old World quarrels. In Washington's day such separation was especially wholesome, since at that time we could have entered European politics only as a tail to the French or English kite.

### THE JAY TREATY

Genêt's attempts to embroil us in war had been especially dangerous to our peace because we already had serious disputes with England. These concerned: (1) the unfulfilled provisions of the Peace Treaty as to Tories and British debts and the Northwest posts; (2) our desire to trade, in our own ships, with the British West Indies; and (3) conflicting views as to the rights of neutral trade at the hands of warring countries.

Four main points about neutral trade were in dispute.

1. French trade was largely with her own West Indies. In peace, only French ships had been permitted to carry it, but now France invited neutral ships to carry it for her. Now, too, that she could no longer carry foodstuffs to her islands (because of England's command of the seas), she opened their ports to our foodstuffs—and in two years our exports doubled. But England declared, truly enough, that France had let down the old restrictions only as a war measure: therefore, during the war, she (England) would capture all ships engaged in such trade. America resented this rule, holding that we were

entitled to whatever commercial favors we could get from France, no matter what the reason for them.

2. France and England each seized as "contraband" any foodstuffs intended for the other, even when such goods had been shipped by neutrals in neutral ships, while America wished to restrict "contraband" to "munitions" of war. This is still a vexed point in international law. Food or clothing for an army, or for a besieged town, has always come under the head of contraband, just as much as gunpowder. And with modern science and organization, it is possible to "besiege" whole provinces or even countries—as appeared clearly in the Russo-Japanese War of 1904 and the World War ten years later.

3. It was agreed, of course, that in war any nation had the right to "blockade" an enemy's ports, if it could, and then, after due notice, to "make prize" of neutral ships that tried to enter such a port. But there was not any agreement as to when a port was "blockaded." England for a time, pointing to her complete supremacy on the ocean, claimed the right simply to declare the entire French coast blockaded, and then to seize neutral vessels anywhere at sea if their papers showed that they were bound for a French port. America rightly refused to recognize "a mere paper blockade." England then modified her proclamation so that it should apply only to the French coast on the English Channel. (An English fleet at each entrance could close that strip of water effectively.) We urged, however, that a port could not properly be called blockaded unless a blockading fleet lay off its particular harbor—so as to make it practically impossible for a ship to slip by.

The modern understanding is more nearly in accord with the second English position than with the rigid American claim. Indeed, in our Civil War, the federal government adopted that "English" theory, and "blockaded" our entire Gulf coast merely by keeping a squadron of ships cruising at the openings from the Gulf into the Atlantic.

4. England at sea captured goods of any kind belonging to French private citizens if they were being carried even by an American vessel and to an unblockaded port. Our reply was the slogan, "Free ships make free goods." This maxim had been first set up by Holland in 1650. The Scandinavian countries gave approval to it during the American Revolution, but England's opposition kept it from becoming international law. War on land had come to recognize in considerable degree that private property should be taken by a hostile army only as a necessary war measure, and not merely for plunder; but at sea the older piratical custom has continued. (At the Peace Conference after the World War, America tried, in vain, through her spokesman, Woodrow Wilson, to secure recognition for a wider "Freedom of the Seas." England's imperative need to keep open at all times the intercourse with all ports of her empire seems likely to impel her toward a like demand.)

Besides these interferences with our trade, England (and France) seized sailors off our merchant vessels for her navy. England was in the abominable habit at home of recruiting sailors for her war navy by the "press gang," and—so essential was that navy to England's safety—her courts had always refused to interfere. Recently many British seamen had deserted to American merchant ships, to get better wages and better treatment. These deserters were often protected by *fraudulent* citizenship papers, easily purchased for a few shillings in any American port from rascally notaries (until our government took measures to stop that practice, just at the beginning of the War of 1812). English sea captains, angered at such protection to their deserters, searched American merchant ships, and seized not only former deserters but also other English-born sailors who had been legally naturalized in the United States.<sup>1</sup> Indeed, either by mistake or of set purpose, they sometimes impressed American-born citizens.

<sup>1</sup> England denied the right of an Englishman to change his allegiance. "Once an Englishman, always an Englishman" was an ancient maxim. The

All these invasions of our neutral rights were attempted by other European belligerents also, but England's navy was the only one able to injure us seriously. In the spring of 1794, as scores of American vessels with valuable cargoes were swept into British prize courts, American feeling rose to war heat. Indeed, war was prevented only by Washington's calm disregard of the popular demand. He appointed John Jay special envoy to negotiate with England, and in November, 1794, "Jay's Treaty" was ready for ratification.

Impressment was not mentioned nor blockade defined. England had her way, too, as to contraband and neutral ships carrying an enemy's goods; but she vacated the Northwest posts, dropped her claims regarding compensation to exiled Tories, and paid American citizens for her recent seizures of ships and goods at sea (some six million dollars when the claims were all in). The United States dropped its claim for payment for the negroes that had been carried to freedom in the British fleet in 1783 (page 248), and agreed to pay out of its own treasury the pre-Revolutionary debts due British creditors. As to a new commercial treaty, England at last welcomed our ships to her ports at home and in the East Indies on complete equality with her own. Her *West India* ports, however, were to be open only *to small coasting vessels* from the United States, and only on condition that we promise for twelve years not to export to any part of the world any molasses, sugar, coffee, cocoa, or *cotton*. England claimed that she was trying merely to maintain her navigation system

American contention that a man had a right to change his citizenship by naturalization marked an advance for freedom and civilization.

The "right of search" exists. In time of war, a war vessel of either power may stop and search a neutral trading vessel to find out (1) whether it really is a neutral vessel as its flag proclaims; (2) whether it is bound for any blockaded port; (3) whether it carries "contraband." If "strong presumption" is found against the vessel on any of these points, it may be carried to a "prize court," for trial; and if there adjudged guilty, it becomes "lawful prize." But the right of search must always be exercised with discretion and without unduly embarrassing neutral trade, and, it is now agreed, it never extends to seizing *people*.

against the rest of the world while letting it down for us. She required us to use only small boats in the business so that they might not be tempted to carry the products of her West Indies to other countries instead of merely to the United States. And she wished us to agree not to export the articles named because she seems to have believed that we had no such goods of our own to export. Jay himself seems to have been wholly unaware that these restrictions would be unacceptable to America. And, indeed, cotton was the only one of the articles that we *had* been producing for export, and that only in small quantity. But the war was already causing a huge demand in Europe for sugar and molasses, and we wanted to supply them. The twelfth article, therefore (relating to West Indian trade privileges), was struck from the treaty by our Senate before ratification.

It took all Washington's influence to get the treaty ratified, even with that change. Jay was burned in effigy. Hamilton was stoned from a public platform where he was arguing for ratification. Washington himself once more was heaped with vituperation. The Virginia legislature voted down a resolution expressing trust in her greatest son, and Congress struck out the usual words "undiminished confidence" from an address to him.

The treaty certainly left much to be desired; but it was well worth while. America at last secured possession of her full territory and satisfaction for commercial injuries. For other matters, we gained what we needed most—time.

Moreover, one section was a step onward for civilization. This treaty provided for the first modern arbitration by an international court. The Peace of 1783 had named the St. Croix River as the boundary of Maine from the sea to the highlands. But that unexplored region had several rivers known by that name—and the map on which the treaty-makers had marked one of them in red ink had been lost. So

several thousand square miles were now claimed both by the United States and by England in an honest dispute.

Jay's Treaty left this matter to be decided by an international commission of two experts from each country (they to have power to select a fifth member). This body was not to be merely a meeting of diplomats—to make a bargain or to seek a compromise: It was to examine evidence and hear argument, and was sworn to do justice according to the merits of the case—as an ordinary court decides title to a piece of land in a dispute between two men.

To be sure, this rational agreement was greeted with violent outcry in both countries. In England, the ministry were assailed for “basely sacrificing British honor”; and, on this side the water, there was much senseless clamor about “not surrendering American soil without first fighting to the last drop of our blood.” The trouble was that we did not know what was our soil, and we were not likely to find out by fighting. To such silly pretense of patriotism, Hamilton's reply was unanswerable (except by such arguments as the mob used): “It would be a horrid and destructive principle,” said he, “that nations could not terminate a dispute about a parcel of territory by peaceful arbitration, but only by war.”

### THE PINCKNEY TREATY WITH SPAIN

When England and the United States made peace in 1783, England was still holding the Floridas (west to the Mississippi) but was expected soon to cede them back to Spain—as she did. In the treaty with the United States she recognized that our territory reached south to the 31st parallel; but the English boundaries of the Floridas had been the 34th parallel—three degrees farther north—and in a secret article it had been provided that, if England should finally retain Florida, then that more northern line should still be her boundary! When news of this agreement leaked out, Spain

was not unnaturally indignant that we should have consented (at her expense) to better terms for our foe than for her (who virtually had been our ally); and this resentment explains in part the disposition of Spanish governors at New Orleans afterward to make trouble for American settlers in the Southwest (pages 262, 264).

The Jay Treaty, however, removed all possible chance that Spain might still get aid from England (either in another war or in diplomacy) to recover the ancient Florida boundary; and so in 1795 the American minister, Thomas Pinckney, secured a treaty that (on paper, at least) settled satisfactorily to the United States the long disputes between her and her neighbor on the South. Spain accepted the 31st parallel as the north line of Florida, promised to restrain her Indians from raiding American settlements, recognized our right to navigate the Mississippi to the Gulf, and granted at last the "right of deposit" (page 264) for three years.

### THE TREATY OF 1800 WITH FRANCE

The French Republic had confidently expected our troubles with England to lead to war, and was bitterly angered, therefore, at the Jay Treaty. She now charged the United States with bad faith in regard to the Treaty of 1778, and insultingly refused to receive Charles C. Pinckney who had been appointed our minister at Paris. Soon she withdrew her new minister from America, and, to the full extent of her power, began aggressions upon our commerce.

The administration of John Adams (1797-1801) found things at this pass, and it was occupied almost wholly by these troubles and by the disputes at home growing out of them. The President sent Gerry, Pinckney, and John Marshall to France to negotiate a settlement. A new French government (the Directory) first ignored these gentlemen, and then,

through secret agents, tried to intimidate them and to demand tribute in money for their own private pockets.

At the "psychological moment," Adams published these infamous demands (indicating the French negotiators by the letters X. Y. Z.) and effectually silenced all friends of France in America. Popular indignation, indeed, rose higher against France than it ever had against England, and the famous phrase ascribed to Pinckney, "Millions for defense, but not a cent for tribute," became the grim byword of the hour. Even the Southern states elected Federalist congressmen, and, in 1798 (for the first time in six years), the Federalists once more gained possession for a moment of all branches of the government. Warships were built, and the army was reorganized, with Washington as commander in chief and Hamilton next in command. War was not formally declared, but scores of ships were commissioned as privateers, to prey upon French merchantmen, and the United States frigate *Constitution* fought and captured the French *Vengeance*.

But at this moment a new French government (Napoleon's Consulate which had replaced the Directory), hinted in a roundabout way at a willingness to renew negotiations. Adams had won great applause by a declaration, "I will never send another minister to France without assurance that he will be received, respected, and honored as becomes the representative of a great, free, powerful, and independent nation." But now with true patriotism he threw away his popularity and his party's supremacy, in order to save the country from war. Without even consulting his Cabinet, he appointed another embassy; and the Treaty of 1800 secured our trade, for the time, from further French aggression. Adams' courage in this matter is perhaps his highest claim to grateful remembrance. He himself proposed for his epitaph, "Here lies John Adams, who took upon himself the responsibility for the peace with France, in 1800."

## CHAPTER XVIII

### EXPIRING FEDERALISM, 1797-1801

*The blunder of the Federalists [in passing the Alien and Sedition Acts] was not an accidental one. . . . It was thoroughly characteristic. It sprang out of a distrust of the masses; a belief that the people must always be repressed or led . . . a readiness to use force;—all of which were of the essence of the aristocratic politics of last quarter of the eighteenth century.*

—FRANCIS A. WALKER, "Making of the Nation."

THE preparation for war, at the opening of Adams' administration, made more revenue necessary. Congress raised the tariff rates, passed a Stamp Act, and apportioned a "direct tax" of \$2,000,000 among the states.

This last measure resulted in Fries' Rebellion. In assessing the new tax, houses were valued according to their size and the number of their windows. Officers were frequently resisted in their attempts to measure houses, and slops were sometimes poured upon their heads from the windows. In Pennsylvania a number of the rioters were arrested. They were promptly rescued by armed men led by a certain Fries. Adams thought it necessary to call out an army to repress the "insurrection." Fries was condemned to be hanged for treason, but was pardoned by the President—to the indignation of leading Federalists, who clamored for an "example," as Adams himself had done when Washington pardoned the leaders of the Whisky Rebellion.

### THE ALIEN AND SEDITION ACTS

Political controversy had grown excessively bitter. Republican editors poured forth upon the President and his administration abuse which in our better-mannered era would

be regarded as blackguardism. The Federalists retorted with language equally foul, and tried to gag their opponents with the notorious "alien and sedition" laws—repressive, tyrannical, dangerous to the spirit of free institutions.

Aliens had been required to live in the United States five years before they could be naturalized: a new Naturalization Act now raised this period to fourteen years. An Alien law authorized the President, *without trial*, to order out of the country "any aliens he shall judge dangerous to the peace and safety of the United States," and, if they remained, to imprison them "so long as, in the opinion of the President, the public safety may require." The Sedition law provided fine and imprisonment for "combining" to oppose measures of the government, and for "any false, scandalous, or malicious writing against the government" or *against its high officials*, "with intent to bring them into disrepute."

Seditious utterance and slander were already punishable in state courts, under the common law. But, since the Zenger trial, prosecutions of this sort for political utterances had become obsolete in America. The people, with sound instinct, had preferred to endure some bad manners, rather than to imperil liberty. This reënactment of obsolete practice by a national law, to be enforced in the government's own courts, conflicted, in spirit at least, with the First Amendment.

President Adams took no part in securing these laws, and he made no use of the Alien Act; but Federalist judges showed a sinister disposition to stifle criticism of their political party by securing convictions under the Sedition law. Matthew Lyon, a Vermont editor, charged Adams with "unbounded thirst for ridiculous pomp and for foolish adulation" and with "selfish avarice." For these words, he was punished by a fine of \$1,000 (ruinous for a poor country publisher) and by a four months' imprisonment—which Federalist officials made peculiarly brutal even for that age. Nine other convictions followed in the few months remaining of Federalist

rule, and like cases occurred in state courts under Federalist control. One grand jury indicted a man for circulating a petition for the repeal of the Sedition law! It was this spirit of the dominant party, more even than their express legislation, that led Jefferson to write excitedly to George Mason: "I consider those laws only an experiment on the American mind to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall see attempted another act of Congress declaring that the President shall continue in office during life."

The Federalists, drunk with power, had threatened tyranny: the Republicans, in panic, sought refuge in state sovereignty. Multitudes of popular meetings denounced the Alien and Sedition laws, and the Republican legislatures of Virginia and Kentucky suggested nullification as a remedy, though with no clear definition as to how that remedy should be applied. Jefferson wrote the first draft of the resolutions for Kentucky; Madison, for Virginia, in somewhat gentler form. Indeed, the first set of Kentucky Resolutions, in 1798, did not contain the word "nullification," though it was used in debate, but it appeared explicitly in a second set, in 1799. The leaders seem, however, to have had in mind only a suspension of the law, pending a referendum to the states.

The war frenzy of 1798-1799 had momentarily put the Federalists in control of most of the state legislatures—which explains why the Southern states in general made no response to the Virginia and Kentucky appeals. Several Northern legislatures condemned those Resolutions severely—denying the Kentucky doctrine that there was "no common judge" between a state and the Union, and affirming that the Supreme Court filled that position. But in that day, the Kentucky doctrine that there was "no common judge" was not surprising. The Supreme Court itself had not yet used the power to pass upon the constitutionality of an Act of Congress. It had not even claimed that right, and was not to do

so for some years more; and a few years later the New England states, that now asserted the power, denied it fiercely—in the precise words of the Kentucky Resolutions.

It is well, however, at this stage, to point out that nullification, whether of Jefferson's brand in 1798, or New England's in 1814, or Calhoun's in 1830, was absurd in logic and would have been anarchic in practice. Any group of citizens or of states which feels itself sufficiently oppressed, has the *natural* right to rebel, and to change the government by revolution, if it can—as America did in 1776. The "right" of revolution is the fundamental guaranty for liberty in organized society. The question regarding it is never one of abstract right but always of concrete righteousness under given conditions. In result, too, revolution means either that the government will be confirmed, or that another government will be substituted for it. But nullification meant a constitutional right to reduce the government to a shadow while claiming its protection.

### THE ELECTION OF 1800

Fortunately, the Republicans saw an easier escape. The approaching election of 1800 provided a remedy for Federalist tyranny. The Federalist leaders had fallen into foolish blunders (like the house tax) because they did not understand popular feeling, and they had attempted reactionary and despotic measures (like the Sedition Act) because they did not believe in popular government. They were out of touch with the most wholesome tendency of the times. The brief reactionary movement of 1783-1793 was dying, and the people had resumed their march toward democracy—now under the new banner of the Constitution. Patriotism had temporarily rallied the nation to the support of the Federalist administration when that administration had been insulted by the ar-

rogant French Directory; but with the passing of that foreign danger passed also the chance of further Federalist rule.

The Federalists tried to bolster their cause by inducing Washington to return to the political arena and become a candidate once more; but, weary and discouraged, Washington refused, affirming that his candidacy would not draw a vote from the anti-Federalists. This refusal, followed by Washington's sudden death, threw the Federalists back once more upon Adams, whose old Revolutionary popularity made him still their most available man. The Republican candidates were Jefferson and Burr (the latter a sharp New York politician).

Lacking true majorities, the Federalists strove to manufacture false ones. The electoral vote finally stood only 73 to 65 against them; but 20 of their 65 electors they got by disreputable trickery, against the will of the voters. For instance, in Pennsylvania the new House of Representatives was strongly Republican, but hold-over members, from the war-election, kept the Senate Federalist.<sup>1</sup> So far, that state had always chosen its electors by popular vote. This time the Senate would not agree to the necessary law (since that method would give most of the districts to the Republicans).

There being no law on the matter, it was then necessary for the legislature itself to choose electors. All elections by that body had been by joint ballot; but the Senate now insisted upon a concurrent vote, and finally compromised upon a scheme which allowed it to name seven of the fifteen electors. This shabby trick—a deliberate violation of a popular mandate—was loudly applauded by Federalists throughout the country as lofty patriotism. The Philadelphia *United States Gazette* said of the Federalist Senators: "[They] deserve the praises and blessings of all America. They have checked the

<sup>1</sup> In a new constitution, in 1790, Pennsylvania had exchanged its one-House legislature for the prevalent two-chambered system.

mad enthusiasm of a deluded populace. . . . They have saved a falling world!"

Other cases of a like nature were still more reprehensible. In Massachusetts the law provided for choosing electors by districts. Early Congressional elections showed a strong drift toward Republicanism, and it became certain that party would carry several of the sixteen electoral districts; but the expiring legislature (still Federalist by a small margin) was summoned in special session and repealed the electoral law, so that it might itself choose all the electors.<sup>2</sup>

When it became plain, in spite of all this, that the people had turned the Federalists out of all the elective branches of the government, the expiring and repudiated Congress and President used the few days left them unscrupulously to entrench their party in the appointive Judiciary—"that part of the government upon which all the rest hinges."

The infamous Judiciary Act of 1801 had three main parts: (1) To lessen Jefferson's chances of making appointments to the Supreme Court it provided that the first vacancy should not be filled, but that the number of Justices should at that future time be reduced by one. (2) Circuit courts were created, with a distinct body of judges (cf. page 333), and the number of circuits was increased to six, with three judges for each except the last. This made places for sixteen new judges, to be immediately appointed by Adams in the remaining nineteen days of his administration. (3) The number of District courts was increased from thirteen to twenty-three,

<sup>2</sup> Hamilton's great name was smirched by an attempt at a similar trick. In New York the law placed the choice of electors in the legislature. The newly chosen legislature (not yet to assemble for some weeks) was Republican. Hamilton wrote to Governor Jay urging him "for unequivocal reasons of public safety" to lay aside "scruples of delicacy" and call the expiring Federalist legislature in special session, so that it might repeal the law and turn the choice of electors over to the people in districts—which might then be so fashioned as to secure some Federalist electors. Jay's endorsement on the back of the letter reads: "Proposing a measure for party purposes which I think it would not become me to adopt."

making places for eight more such appointments. In addition, of course, there were clerks and marshals to be named for all these new courts.

The Federalists justified the new bill flimsily by urging the need of the separate Circuit courts to protect the "overworked" Supreme Court Justices. But, in plain fact, the Supreme Court had never been overworked. It had then only ten cases before it, and, in the preceding ten years of its life, it had had fewer cases than are customary in one year now. The weakness of the Federalist argument appears in the fact that the bill was repealed at once (page 404) and the old order restored comfortably for seventy years longer.

Adams was not able to make his last appointments under the new law until late on the last evening of his term of office, and the judges so appointed have gone in history by the name of "the Midnight Judges." One of the worst features of a thoroughly bad business was that these appointments were used to take care of Federalist politicians now thrown out of any other job. The people at the polls had repudiated certain men for government positions, but President Adams, the people's special representative, thought it proper to place those "lame ducks" in more important government positions for life where the people could not remove them. (Such practice is repugnant to the principles of representative government, but it has become too common, in later times, to arouse indignation.) Moreover, a plain provision of the Constitution was evaded with no more compunction than went to thwarting the plain will of the people. Congressmen who had been defeated for reëlection could not well be appointed directly to the new judgeships they had just created (because of the express wording of Article I, section 6, of the Constitution); but former District judges were promoted to the new Circuit judgeships—thus creating judicial vacancies to which retired Federalist congressmen *were* then appointed. The Federalists,

as John Randolph of Virginia exclaimed, "turned the judiciary into a hospital for decayed politicians."

The desperate Federalists tried also to rob the majority of its choice for the presidency. This led almost to civil war. Jefferson and Burr had received the same electoral vote. Every Republican had intended Jefferson for President and Burr for second place, but, under the clumsy provision of the Constitution (page 347) the election between these two was now left to the *old* House of Representatives, in which the Federalists had their expiring war majority.<sup>3</sup> Accordingly, the Federalists planned, at first, to create a deadlock and prevent any election until after March 4. Then the hold-over Senate could choose a Federalist presiding officer, who, in the absence of other authority, might act as President of the country. Jefferson wrote at the time that they were kept from this attempt only by definite threats that it would be the signal for the Middle states to arm and call a convention to revise the Constitution.

There was, however, another political trick which would equally well have cheated the nation of its will—in a safer way. The House of Representatives had the Constitutional right to choose Burr for President, instead of Jefferson, and for a time now it seemed bent on doing so. But Hamilton rendered his last great service to his country by opposing and preventing that action—not (unhappily) because of its wrongfulness but because of its folly. Hamilton knew Burr to be a reckless political adventurer, and thought his election more dangerous to the country than even the dreaded victory of Jefferson—whose fundamental moderation of character he appraised correctly. So finally, after a delay of five weeks, and after thirty-six ballotings, the House chose Jefferson President. Early in the next Congress the Twelfth Amendment was

<sup>3</sup> The House just elected (with a strong Republican majority) was not to meet for some thirteen months! An absurd condition, not yet remedied.

proposed and ratified—so that thereafter President and Vice President should be named *separately* on the electoral ballots.

### FEDERALIST FAULTS AND SERVICES

The fatal fault of the Federalist leaders was their fundamental disbelief in popular government. After Jefferson's victory, in 1800, this feeling found violent expression. Fisher Ames, a Boston idol, declared: "Our country is too big for union, too sordid for patriotism, too democratic for liberty. . . . Its vice will govern it. . . . This is ordained for democracies." Cabot, another Massachusetts leader, affirmed, "We are democratic altogether, and I hold democracy, in its natural operation, to be the government of the worst." And Hamilton is reported to have exclaimed, pounding the table with clenched fist: "The people, sir! Your people is a great beast." Dennie's *Portfolio*, the chief literary publication of the time, railed at greater length: "Democracy . . . is on trial here, and the issue will be civil war, desolation, and anarchy. No wise man but discerns its imperfections; no good man but shudders at its miseries; no honest man but proclaims its fraud; and no brave man but draws his sword against its force." And Theodore Dwight of Connecticut (brother of the President of Yale College), in a Fourth of July oration, declaimed:

The great object of Jacobinism<sup>4</sup> . . . is to destroy every trace of civilization in the world, and force mankind back into a savage state. . . . We have a country governed by blockheads and knaves; the ties of marriage are severed and destroyed; our wives and daughters are thrown into the stews; our children are cast into the world from the breast and forgotten; filial piety is extinguished; and our surnames, the only mark of distinction among families, are abolished. Can the imagination paint anything more dreadful on this side hell!

<sup>4</sup> A term borrowed from the French Revolution, and applied to the Republicans by their opponents, much as "Bolshevism" has been used in recent years.

It was but a step from such twaddle to suspect Jefferson of plotting against the property or the life of Federalist leaders. In Gouverneur Morris' diary for 1804 we find the passage: "Wednesday, January 18, I dined at [Rufus] King's with General Hamilton. . . . They were both alarmed at the conduct of our rulers, and think the Constitution about to be overthrown: I think it already overthrown. They apprehend a bloody anarchy: I apprehend an anarchy in which property, not lives, will be sacrificed."

These faults must not obscure the vast service the Federalists had rendered. Alexander Hamilton is the hero of the twelve-year Federalist period. He should be judged in the main by his work in the years 1789-1793. During that critical era, he stood forth—as no other man of the day could have done—as statesman-general in the conflict between order and anarchy, union and disunion. His constructive work and his genius for organization were then as indispensable to his country as Jefferson's democratic faith and inspiration were to be later. Except for Hamilton, there would hardly have been a nation for Jefferson to Americanize. We may rejoice that Hamilton did not have his whole will, but we must recognize that the forces he did set in motion made the Union none too strong to withstand the trials of the years that followed.

Those centralizing forces may be summarized concisely. The tremendous support of capital was secured for almost any claim the government might make to doubtful powers. Congress set the example of exercising doubtful and unenumerated powers, and a cover was devised for such practice in the doctrine of implied powers. The appellate jurisdiction conferred on the Supreme Court was to enable it to defend and extend this doctrine. Congress began to add new states, with greater dependence of feeling upon the national government. And the people at large began to feel a new dignity and to see many material gains in a strong Union.



## Part Six

### Jeffersonian Republicanism, 1800-1815

*These are the essential principles of our government: Equal and exact justice to all; peace, commerce, honest friendship with all nations, entangling alliances with none; . . . the preservation of the General Government . . . as the sheet anchor of our peace at home and safety abroad; absolute acquiescence in the decisions of the majority (the vital principle of republics) . . . economy in the public expense, that labor may be lightly burdened; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information; . . . freedom of religion, freedom of the press, and freedom of person.*

—FROM JEFFERSON'S INAUGURAL IN 1801



## CHAPTER XIX

### AMERICA IN 1800

*What strength! what strife! what rude unrest!  
What shocks! What half-shaped armies met!  
A mighty nation moving west,  
With all its steel sinews set  
Against the living forest. Hear  
The shouts, the shots of pioneer,  
The rended forests, rolling wheels,  
As if some half-checked army reels,  
Recoils, redoubles, comes again,  
Loud sounding like a hurricane.*

—JOAQUIN MILLER, in "Westward Ho!"

### PHYSICAL CONDITIONS AND THEIR INFLUENCE

FROM Jefferson to Lincoln, six great lines of growth mark American history: its territory expanded tremendously; the Americans won intellectual independence from Old World opinion; democracy spread and deepened; the industrial system grew vastly complex; slavery was abolished; and nationalism triumphed over disunion. The first of these, territorial growth, was the warp through which ran the other threads of growth. The expansion of civilization into waste spaces marked world history in the nineteenth century, but not even for England or Russia was this growth so much the soul of things as it was for the new American Republic.

It made the new nation truly American. The tidewater communities remained "colonial" in feeling—still hanging timorously on Old World approval—long after they became independent politically. Only when the American people had climbed the mountain crests and turned their faces in earnest to the great West, did they cease to look to Europe for standards of thought and conduct.

It made the nation more democratic. The communities progressive in politics have always been the frontier parts of the country—first the western sections of the original states, and then successive layers of new states.

It created a complex industrialism, with the dependence of one section upon another, and so it brought on finally a conflict between slave and free labor.

It fostered nationality. Western Europe is convex toward the sky. Mountains and seas form many walls and moats, and rivers disperse from the center toward the extremities. And so seventeen nations there divide an area smaller than the Mississippi valley. America is a "vast concave." Its mountains guard the frontiers only. Its streams concentrate, and so tend to unity, industrial and political. The original thirteen states, scattered amid the forests and marshes of the Atlantic slope, long clung to their jealous, separatist tendencies; but expansion into the Mississippi valley, wrought out by nature for the home of one mighty industrial empire, transformed that handful of jangling communities into a continental nation.

This larger America, too, had marvelous physical advantages. For communication with the outside world, the two oceans and the Gulf give to the United States *a coast line* equaled only by Europe's. Rivers and the Great Lakes add 19,000 miles of navigable *interior waterways*—a condition absolutely beyond parallel in any other equal portion of the globe. More than four-fifths of these water roads are grouped in the Lake system and the Mississippi system. These are virtually one vast system, opening on the sea on two sides and draining more than a million square miles of territory—giving to cities a thousand miles inland the advantages of seacoast ports, and binding together, for instance, Pittsburgh and Kansas City, on opposite slopes of the great valley.

Above the limit of navigation, these streams, and others,

furnish an unrivaled water power. Many years ago, Professor Shaler estimated that the energy already derived from the streams of this country exceeded that from the streams of all the rest of the world. This power was of particular importance in colonial days. Then, for a hundred years, it lost value, relatively, after the invention of steam; but now, with new devices to turn it into electric power, it looms again a chief factor in future wealth—to be held by the nation as a precious heritage, or to be seized upon for private and extortionate monopoly, as the wisdom of the American people may direct.

The Appalachian region contains rich deposits of coal and iron in close neighborhood, while the Great Lakes make communication easy between Appalachian coal and Lake Superior iron. Other mineral deposits needful in industry exist in abundance, well distributed over the country—copper, lead, zinc, building stone, gold and silver, salt, phosphates, clays, cements, graphite, grindstones, radium, and a small amount of aluminum. In 1800, great forests still stretched from the Atlantic to Illinois, western Kentucky, and northern Minnesota; and soon the vast and unique woods of the Pacific slope were also to become American. It is a moderate statement to say that no other equal part of the civilized world contains so great an abundance and variety of natural wealth as the United States.

Even the two physical conditions that might have been reckoned as unfavorable were counteracted or made harmless by the mere time element in American history.

1. A sectional elevation (page 377) shows that the meridian 100 cuts the country into fairly equal but very different halves. The eastern half is essentially of one character, and, with relative ease, it could be made one section as to communication by railroads and canals. Neither fact holds good for the western half. That vast region contains, in succession (to quote

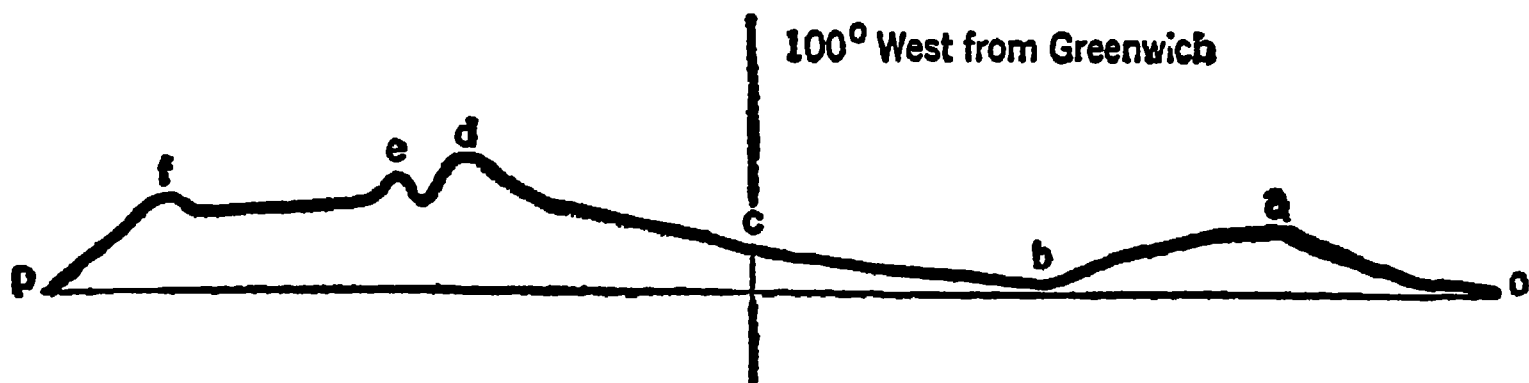
Dr. Draper's early study), "an arid, sandy district, the soil saline and sterile; an enormous belt of elevated land without an equivalent in Europe, the eastern side a desert, the western Asiatic in character; and, on the rapid Pacific incline, the moist, genial atmosphere of Great Britain and Spain:—a series of zones with all the contrasts of nature. . . . The imperial Republic has a Persia, an India, a Palestine, a Tartary of its own." These diverse zones from east to west had little opportunity, however, to operate in hostility to political union. The American people did not come under their influence at all until just before the Civil War. The question of Union or Disunion was settled for generations to come by men reared under the influence of the uniform eastern half of the continent.

2. The lines of 22 and 41 degrees Fahrenheit, for January, may be taken as convenient bounds for the true "temperate" zone. According to those, or any other suitable lines of equal temperature, the climatic temperate zone is far narrower in North America than in Europe. Its width in Europe is one of the causes for that continent's becoming the earliest home of true civilization. Its narrowness in America is in itself a condition unfavorable to progress, but this influence was minimized by the late date of settlement and the advance civilization of the early settlers.



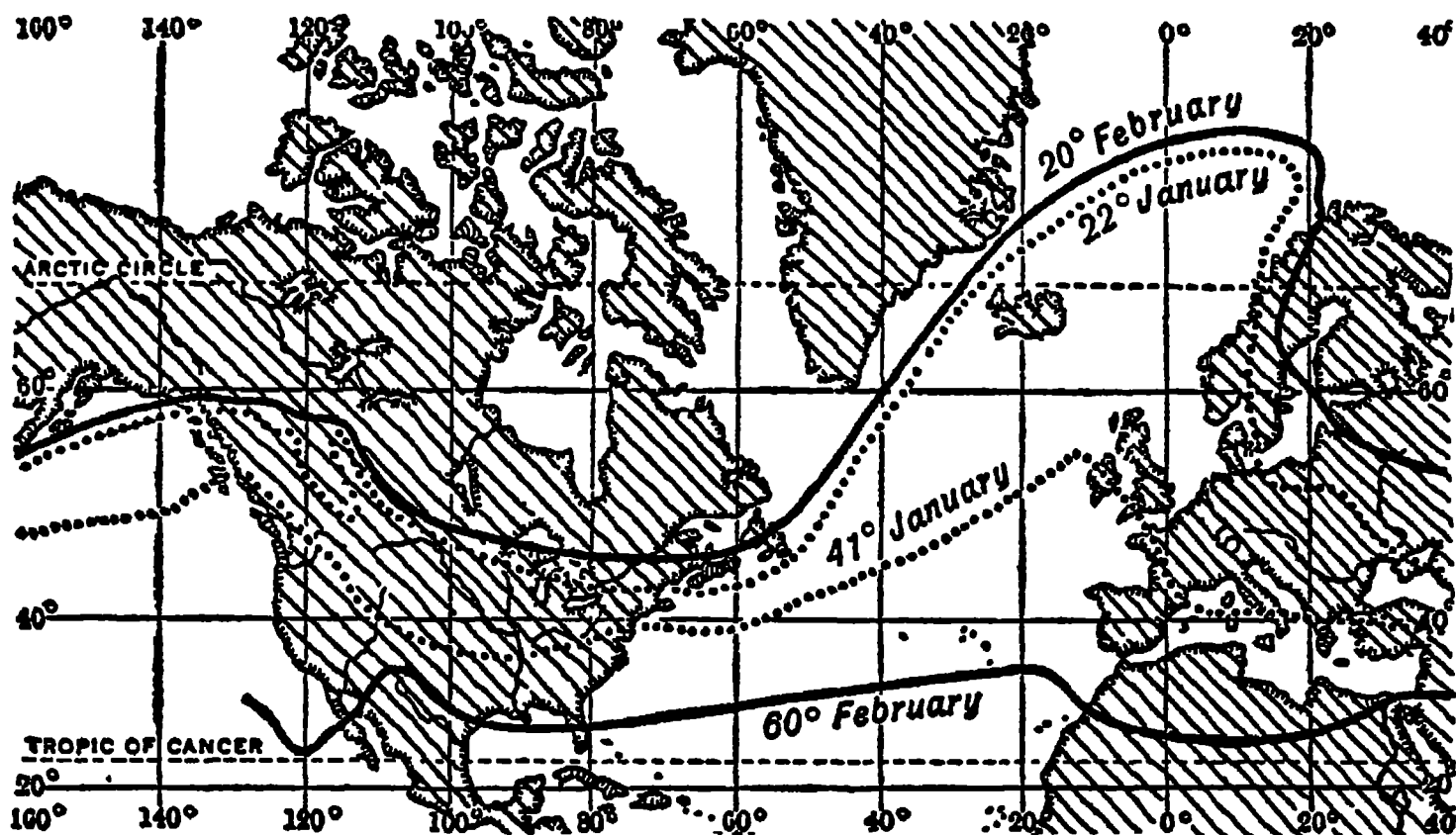
And so, with right, throughout the nineteenth century, Americans exulted in their country's growth. Sometimes, it is true, this exultation expressed itself clumsily, as cheap spread-eagleism or insolent jingoism; and well-meaning critics, more refined than robust, saw in the buoyant self-confidence of the people only vulgar and grotesque boastfulness about material bigness. But, through the earlier half-century at least, the plain people felt a truth that the cultured critic missed. They knew that this growth was not mere growth. For the creation of the nation, and for its proper life, the

conquest of our proper territory from savage man and savage nature was first needful; and this Titanic conflict with a continent became idealized to the heart and imagination of a hardy race. This was the hundred-year American epic—its



Sectional Elevation of the United States in Latitude 40° North (After Draper. Elevations magnified.)

*p-o*, sea level; *a*, Appalachian crest; *b*, Mississippi; *c*, beginning of saline plains; *d-e*, Great Salt Lake region; *e-f*, great elevated basin; *f*, Coast range; *o-c*, Atlantic section; *c-p* Pacific section. The slope *b-d* is more than 1000 miles long, up to the mountain passes, which are about 10,000 feet above the sea (with peaks rising 4000 feet higher). The average rise, therefore, is less than 10 feet to a mile.



Lines of Equal Temperature for America and Europe

protagonist the tall, sinewy, saturnine frontiersman with his long rifle and well-poised ax, usually with his Bible and sometimes with his Shakespeare,<sup>1</sup> encamped in the wilderness to

<sup>1</sup> On that "long hunt" in which Boone first saw the blue-grass country (page 259), one of the daring little band entertained the others around the evening campfire by reading aloud from *Gulliver's Travels*—that incomparable satire which was then still a "modern" book.

win a home for his children and for a nation. First among American writers, Lowell fixed that poem in words—and happily in the dialect of the original frontiersman:

O strange New World! That never yit wast young;  
Whose youth from thee by grippin' need was wrung;  
Brown foundlin' o' the woods, whose baby-bed  
Was prowled roun' by the Injun's cracklin' tread,  
And who grewst strong thru shifts, and wants, and pains,  
Nursed by stern men with empires in their brains,  
Who saw in vision their young Ishmael strain  
In each hard hand a vassal Ocean's mane!  
Thou taught by freedom, and by great events,  
To pitch new States as Old-World men pitch tents!

### POPULATION AND COMMUNICATION

Population had doubled in the twenty-five years since Lexington, and our second census, in 1800, counted nearly five and a third million people—or more than a third the population of the British Isles. But the land was still untamed—minerals undisturbed, and forests hardly touched. Even in the coast districts, civilization had little more than spotted the primeval wilderness; and mighty harbors, now bristling with innumerable masts and smokestacks, were then rough fishing hamlets.

The few cities contained only a quarter-million of these people, but they were growing fast. Philadelphia had 70,000 people; New York, 60,000; Baltimore, 26,000; Boston, 24,000; Charleston, 20,000. (Ten years earlier the corresponding figures had been 42,000, 32,000, 14,000, 18,000, 16,000.) These five (only one south of the Potomac) were the only places with more than ten thousand inhabitants. They had begun to pave and light their principal streets (with cobblestones and with dimly flaring whale-oil lamps) and to bring in fairly wholesome drinking water, in wooden pipes, but there was hardly a beginning toward police or fire protection.

Refuse of all kinds was thrown out into the streets, and the absence of sewers caused incessant fevers and plagues. With city conditions like these, it was fortunate that the bulk of the population lived still in agricultural villages or on outlying cabin farms.

The westward march had begun. The first census (in 1790) had shown nineteen-twentieths of the people east of the mountains, with the center of population 23 miles east of Baltimore; but the census of 1800 placed that center 18 miles west of Baltimore, with the population beyond the mountains grown to a tenth of the whole—having more than doubled itself while the total had increased by only a fourth.

That half-million west of the mountains, however, (except for three of the old French towns) all dwelt still in four or five isolated groups included within a broad, irregular wedge of territory with its apex reaching not quite to the Mississippi. The greater part of our own half of the vast valley was yet practically unknown even to the frontiersman. In his inaugural, Jefferson, enthusiast that he was regarding his country's future, asserted that we then had "room enough for our descendants to the hundredth and even thousandth generation." Before his second inaugural, he was to double that territory!



Travel, and transportation of freight, remained much as in colonial days (page 171f.) and were still far behind the conditions of the old Roman world. In the first century of the Christian era, the Emperor Tiberius, hastening from northern Italy to the bedside of his dying brother, made 200 miles in 24 hours, and, a century earlier, Julius Caesar traveled in a hired coach with relays of horses from the Rhine into Italy, through the passes of the Alps, at 100 miles a day. But in 1801, hurrying from Washington to a sick son in Massachusetts, John Adams could hardly average 50 miles a day. As a rule, even in the most traveled parts of America, passengers

jolted along over dirt roads in clumsy and cramped stage-coaches—if not stuck in the mud or swamped in fording a stream—at three or four miles an hour. This meant usually about thirty miles a day, and the cost to a passenger was about ten cents a mile plus expenses for meals and lodging. (Even in going from Providence to Boston, one night had to be spent in a tavern.)

The hundred miles between Philadelphia and New York could be covered in this way in two or three days (two hours now by train); but to go on from New York to Boston took at least eight days more—though “swift” express riders did cover this last road in ninety-six hours. There were a few more coaches than twenty-five years before, and soon they were to run on from Philadelphia to Baltimore. South of the Potomac, however, land travel was still impossible for the most part except on horseback—with frequent embarrassments from lack of bridges or even ferries to cross the wide and deep rivers of that region.

To be sure, hundreds of sloops and small schooners flitted from port to port along the coast, carrying numerous passengers as well as freight. Southern congressmen, indeed, found this kind of conveyance their favorite one between the seat of government and their homes, but it, too, had its inconveniences. In 1790, one Carolina congressman spent sixteen days at sea in a small boat, buffeted by storms, on his way to Philadelphia, and another barely escaped with his life from a shipwreck—while two more were set on shore in a wild country to escape such fate.

Freight was carried by water whenever possible; and between 1790 and 1800 a few canals were built. Land transportation, even in the settled area, cost about ten times as much as modern railway rates. Merely to move sugar from the coast to any point three hundred miles inland cost more than sugar sells for now. Indeed, a ton of goods could be carried

from Europe to any coast town more cheaply than on from the coast by land for a hundred miles west.

Road building was just beginning. Besides the main coach roads that have been mentioned (from Boston to Providence, and on to New York, Philadelphia, and Baltimore) there were also a few shorter highways. Boston had an excellent paved road to Worcester; and several fine "turnpikes" (with frequent toll gates) led out from Philadelphia to distant parts of Pennsylvania. The first macadamized road in America had been built just before 1800 from Philadelphia to Lancaster, sixty-six miles west, at a cost of a half-million dollars; and the Turnpike Company which had built it (under a charter from the state) was making such profits from the tolls that in the next ten years a hundred more such companies were organized in the Northeast. Before the War of 1812 checked the movement, these companies built three thousand miles of road, with good bridges or ferries.

The South, however, continued to depend almost wholly upon its many broad rivers to transport goods from the foothills to the coast. Land roads were few and poor. To get a wagon load of flour or tobacco from the Shenandoah valley in Virginia to Richmond (well up from the coast as that town was) took nearly a month. To haul back the goods for which it was sold took, of course, as much time. A "Valley farmer" could hardly afford more than one trip a year.

Communication of news was improving in the settled districts faster than travel or transportation. The twenty-five post offices of 1775 had grown only to seventy-five by 1790 (for a population and territory which, under modern conditions, would have had at least six thousand!); but by 1800 the number had mounted to a thousand, and it doubled again in the next ten years.

The lowest letter postage was eight cents. It cost ten cents to send a quarter-ounce letter from New York to Philadelphia,

and twenty cents to Boston. The small newspaper of that day was carried for a cent per hundred miles; but magazines and larger parcels were carried by the postriders as a favor only or by private arrangement. Under these circumstances, there had grown up in some districts, especially in New England, a private postrider service—forerunner of the later express companies—which, along with other business, carried many letters more cheaply than did the United States mail.

### INDUSTRIAL FEATURES

Occupations had not changed much since 1775. John Jacob Astor was just organizing the American Fur Company, to follow the retreating furs into the far-off Pacific Northwest. Manufactures were making little progress. A few small iron mills were at work; and some of the machinery recently invented in England for spinning and for weaving cloth had been introduced. In England, by 1800, such machinery had worked an "Industrial Revolution," but it did not come into use extensively here until the War of 1812 forced us to manufacture our own textiles.

For America the chief result of the Industrial Revolution at this time was England's increased demand for raw cotton for her new factories. Cotton had been costly because the seed had always had to be separated from the fiber by hand. But in 1793, Eli Whitney, a Connecticut schoolmaster in Georgia,<sup>2</sup> invented an "engine" for this work, simple enough to

<sup>2</sup>Eli Whitney grew up as a poor boy in New England, worked his way through Yale, and in 1793 (the year after graduating) went to Georgia to teach. He traveled with the family of General Greene of Revolutionary fame, and was invited to spend a few days at the Greene plantation. Hearing much talk there of the great need of some better way to clean cotton, young Whitney began experiments for that purpose (in a room that Mrs. Greene furnished him) and in ten days perfected his model.

The invention brought vast wealth to the world, but none to the inventor. He showed his model freely, before it was patented, and soon several people claimed something of the same kind as their own. South Carolina did vote him a generous gift of \$50,000, but he spent this in trying vainly to protect his

be run by a slave. By hand, a slave had been able to clean only five or six pounds a day, but with this new "cotton gin" and a mule to furnish power, he could clean three hundred pounds (and the later application of steam made the work of one slave equal to that of five hundred in the old hand-labor period). Southern planters at once gave their attention to meeting the new English demand. In 1791 we exported only 200,000 pounds of cotton: in 1800 the amount was 100 times that, and this was doubled the third year after. Soon the South could boast, "Cotton is King,"—and all over the civilized world cheap cotton cloth from English factories, for garments, sheets, sails, and other needs, began to replace the longer-wearing but much more costly materials of wool, linen, and hemp.

Farming tools and methods had improved little in four thousand years. The American farmer with strenuous toil scratched the soil with a clumsy wooden homemade bull plow. He had no other machines for horses to draw, except a rude harrow and a cart. He sowed his grain by hand, cut it with the sickle of primitive times, and threshed it out on the barn floor with the flail—older than history—if he did not tread it out by cattle, as the ancient Egyptians did. The first threshing machine had been invented in 1785, but it had not yet come into use except with a few enterprising gentleman-farmers, like Washington and Jefferson. The cradle-scythe—a hand tool, but a vast improvement over the old sickle—was patented in 1803. The first improvements on the plow date from experiments on different shapes of mold boards by Thomas Jefferson. Soon after 1800 appeared the cast-iron wheeled plow. This was soon to work a revolution—permitting deeper and more rapid tillage—but for some years farmers refused to use it, asserting that the iron "poisoned the soil" and started

patent rights. Later on, however, he won a fortune, manufacturing fire-arms—in which work also he invented many labor-saving devices.

weeds. No one dreamed yet of mowers, binders, drills, or of any better power than horses could provide.

Before 1800, shipping and trade had become the most progressive industries—in spite of some falling away just after the Revolution. American shipyards were building larger ships than ever before, and American shipmasters had sought new markets, to make up for those that had been closed to them. In 1784 a New York ship, *The Empress of China*, sailed for Canton by way of the Cape of Good Hope, and returned the next spring with dazzling profits. In a few weeks a Salem captain had renamed his vessel *The Grand Turk* and set out for that same Chinese port. In the year of Washington's inauguration eighteen New England ships were engaged in this Oriental trade. One of these, *The Columbia*, from Boston, went by way of Cape Horn<sup>3</sup> and returned around the Cape of Good Hope, carrying the American flag for the first time around the world. Other New England ships had made their way into the Baltic and opened up a new trade with Russia; and Holland and (in smaller degree) France had already opened their West Indian ports to our foodstuffs—making up partly for our lost trade with the neighboring British islands there.

Then in 1793, when the European wars broke out, our neutral shipping and trade began to advance by immense leaps. By the end of the first year, our sea-borne commerce ranked second in the world—exceeded only by England's.

### HOME LIFE AND MORAL STANDARDS

In American home life there had been relatively little change. A small class of merchants in the cities, as during colonial

<sup>3</sup> So as to get a rich cargo of furs from Indians on the western coasts of America, in return for beads and toys. These furs were then disposed of in China at almost incredible profit. One early shipmaster stated that each dollar invested in a certain voyage brought a profit of a thousand dollars.

days, imitated in a quiet way the luxury of the corresponding class in England—with spacious homes, silver-laden tables, and, on occasion, crimson-velvet coats to top off their white satin embroidered vests, black satin knee-breeches, and long, white silk stockings. The great planters of the South, too, lived in like splendor and in open-handed wastefulness, though with little real comfort by modern standards.

Otherwise, American society was simple and frugal—with a standard of living far below that of today. Necessities of life cost more (so far as they were not produced in the home), and wages were lower. Hodcarrier and skilled mason received about half the wage (in purchasing value) paid for corresponding labor today and for a labor day lasting from sunrise to sunset. These wages were 50 per cent better than before the Revolution—so that John Jay, high-minded gentleman that he was, complains bitterly about the “exorbitant” wages demanded by artisans—much as John Winthrop did in 1632 or many a like gentleman of today. The unskilled laborers who toiled on the public buildings and streets of Washington from 1793 to 1800 received seventy dollars a *year* “and found.” The income of the professional classes was insignificant by later standards. John Marshall’s practice, when he was at the head of the Virginia bar, did bring him about \$5,000, but this was an unusually large amount. Says Henry Adams (*History*, I, 21):

Many a country clergyman, eminent for piety and even for hospitality, brought up a family and laid aside some savings on a salary of five hundred dollars a year. President Dwight [of Yale] . . . eulogizing the life of Abijah Weld, pastor of Attleborough, declared that on a salary of \$250 Mr. Weld brought up eleven children, besides keeping a hospitable house and maintaining charity to the poor.

Such ministers eked out their salaries, of course, by tilling small farms with their own hands. The homes of farmers and mechanics found clean sand a substitute for carpets, and

pewter or wooden dishes sufficient for tableware. Their houses had no linen on the table, nor prints on the wall, nor many books, nor any periodicals unless perhaps a small weekly paper.

Much of the hardship of life was common to rich and poor, and was due to the absence of later inventions. No woman had ever cooked by a stove. Household lights were dim, ill-smelling candles (molded in the home) or smoky wicks in whale-oil lamps. If a householder let his fire "go out," he borrowed live coals from a neighbor or struck sparks into tinder with flint and steel. If man or child had to have an arm amputated, or broken bones set, the pain had to be borne without the merciful aid of anesthetics. The wholly needless suffering and death caused by the gross ignorance of well-meaning physicians of that day is simply appalling. It is agreed that Washington's death came from his being bled, when his ailment needed a very different treatment.

The village shop made and sold shoes and hats. A well-to-do farmer or mechanic had possibly a broadcloth coat, in which he had "stood up" to be married and which he afterward wore only to church or to funerals. All the other clothing of the ordinary family was homemade, and from homespun cloth, with the awkward shapes of coat and trousers that long remained marked features in Yankee caricature. Farmer, mechanic, and "storekeeper" all had plain food in abundance, but in little variety. Breakfast, "dinner," and "supper" saw much the same combinations of salt pork, salt fish, potatoes and turnips, rye bread, and dried apples, with fresh meat for the town mechanic perhaps once a week. Among vegetables not yet known were cauliflower, sweet corn, lettuce, cantaloupes, rhubarb, and tomatoes; while tropical fruits, like oranges and bananas, were the rare luxuries of the rich. Not even the rich could have ice in summer. In all externals, life was to change more in the next hundred years than it had changed in the past thousand.

A. G. Goodrich ("Peter Parley," author of a long famous series of textbooks and boys' stories) has left an inimitable picture of small-town life in those days—in an account of his own boyhood in a New England village:

Every family lived as much as possible within itself. Money was scarce, wages being about fifty cents a day, though these were generally paid in meat, vegetables, and other articles of use—seldom in money. There was not a factory of any kind in the place. . . . There was a hatter . . . but he generally made hats to order, and usually in exchange for the skins of foxes, rabbits, muskrats, and other chance peltry. (I frequently purchased my powder and shot from the proceeds of skins which I sold him.) There was a butcher, but he only went from house to house to slaughter the cattle and swine of his neighbors. There was a tanner, but he only dressed other people's skins. There was a clothier, but he generally fulled and dressed other people's cloth. . . . Even dyeing blue a portion of the wool, so as to make linsey-woolsey for shortgowns, aprons, and blue-mixed stockings—vital necessities in those days—was a domestic operation. During the autumn, a dye-tub in the chimney corner . . . was as familiar in all thrifty houses, as the Bible or the backlog.

Every autumn, it was a matter of course that we had a fat ox or a fat cow, ready for slaughter. One full barrel was salted down; the hams were cut out, and hung up in the chimney for a few days, and thus became "dried" or "hung beef"—then as essential as the staff of life. Pork was managed in a similar way, though even on a larger scale, for two barrels were indispensable. A few pieces, as the spare-ribs, etc., were distributed to the neighbors, who paid in kind when they killed their swine.

Our bread was of rye, tinged with Indian meal. . . . All the vegetables came from the garden and farm. The fuel was supplied by our own woods—sweet-scented hickory, snapping chestnut, odoriferous oak, and reeking, fizzling ash—the hot juice of the latter, by the way, being a sovereign antidote for the earache.

Political standards were low, as we have been forced to see only too often. Says Professor McMaster (*With the Fathers*, 71): "In all the frauds and tricks that go to make up the worst forms of 'practical politics'—the men who founded

our State and National governments were always our equals and often our masters." To be sure there was less bribery than in more recent times. The great corporations—railways, municipal lighting companies, and so on—which, in their scramble for special privileges, were to become the chief source of corrupting later legislatures and city councils, had not yet appeared. Public servants had infinitely less temptation to betray their trust for private gain than now, but public opinion as to the crime was far less sensitive than today.

For private life, drunkenness was the American vice—with victims in all classes and in almost every family. The diet created a universal craving for strong drink. Foreigners complained, too, of a lack of cleanliness, and were shocked by the brutal fights at public gatherings, with biting off of ears and gouging out of eyes as commonplace accompaniments. Likewise, they found American society coarse and immodest in conversation (like English society of Fielding's day, two generations earlier), but not immoral in conduct.

The charge as to lack of cleanliness seems amazing today to a people who for half a century have boasted a higher ratio of bathtubs to population than any other country; and probably in 1800 it could be made with justice only by English aristocrats—whose demands for a morning bath incensed hotel keepers in all lands. The diary of William Maclay, however, does prove that for one United States Senator a bath was at best a weekly ceremony. That intimate and faithful record makes no mention of such an occurrence except that, Sunday after Sunday, the brief entry reads, "Staid at home all day and bathed"—and occasionally, it must be confessed, merely "Staid at home all day." The hourly temptation of porcelain tubs, with warm water always on tap, was still far in the future.

As everywhere else in the world, barbarous legal punish-

ments and loathsome jail life still flourished. Debt, too, brought more men to prison than any crime did; and too often the insane were caged, like wild beasts, in dungeons underneath the ordinary prison cells. It is comforting, however, to be able to mention one honorable exception to this last shameful barbarity: the Virginia Burgesses in their famous session of 1769 (page 269) had founded a true public hospital for unfortunates of unsound mind—one of the earliest institutions of that sort in the world, and one that was to find no imitation in America for some sixty years.

### INTELLECTUAL FEATURES

America was justly famous for its political writings in connection with the Revolution and the Constitution, but in other forms of literary activity Franklin's death had left a void. In breadth of interest, catholicity of view, intellectual originality, as well as in the delightful simplicity of his "modern" style, Jefferson, to be sure, was a not unworthy successor—but (except for political documents) Jefferson's writings were almost wholly in the form of letters, then available only to small circles of friends. Any curious student of the history of American literature, it is true, can exhume the names of some score of men (and of nearly as many women) who produced in this period a wearisome bulk of printed matter, usually in stilted verse or drama but often also in prose fiction. In its time, too, this literary product of the early Republic seems to have found eager consumption by ever-widening constituencies—and so it may have had some necessary relation to the wondrous flowering of American literature a generation later—but today it is more kind to leave the discreet mantle of its oblivion undisturbed.

Looking back upon the period of his boyhood and youth, Emerson once said that from 1790 to 1820 in Massachusetts

"there was not a book, a speech, a conversation, or a thought." And Noah Webster (of later Dictionary fame) in defending his countrymen against foreign criticism, was compelled to admit: "Our learning is superficial to a shameful degree. . . . Our colleges are disgracefully destitute of books and philosophical apparatus . . . and I am ashamed to own that scarcely a branch of science can be fully investigated in America for want of books. . . . As to libraries, we have no such things. . . . Great numbers of the most valuable authors have not found their way across the Atlantic." Both these critics, however, were thinking of their own Puritan New England, which during these years does seem to have lagged behind Pennsylvania and the Southern states in fresh intellectual interests.<sup>4</sup> For America at large, in science, at least, if not in polite letters, the case was much better than such discouraging quotations would imply. At Philadelphia, Franklin's old associate, Benjamin Rush, continued those contributions to medical knowledge that had won wide recognition even in Europe; and, before 1800, Pennsylvania could boast two other names famous in the annals of science—Joseph Priestley and Thomas Cooper, both fugitive radicals from England.

Priestley was a sweet-souled, non-conformist minister, inclining toward what was already called Unitarianism. He is far better known, however, for his work as a chemist. Long-continued experiments in his meager private laboratories had some time before resulted in the discovery of oxygen and had placed him almost upon a level with his contemporary and rival, Lavoisier, as a co-founder of the modern science of chemistry. His ardent sympathies with the French Revolutionists, together with his radicalism in theology, exposed him both to government persecution and to brutal mob violence, and in 1794 he had fled to America—whose cause he had cham-

<sup>4</sup>Harvard had a faculty of a president, three professors, and four tutors.

pioned valiantly in England all through the American Revolution. There, under the congenial shadow of the University of Pennsylvania, for the remaining ten years of his life, he devoted himself, untroubled, to scientific investigations.

Thomas Cooper, one of Priestley's companions in his flight, found the New World at first hardly more hospitable than the old. A much younger man than Priestley, he turned from scientific studies for a time to the practice of law in Pennsylvania, but in 1799 a newspaper criticism of President Adams brought upon him six months' imprisonment, under the infamous Sedition law. The Republican victory of the next year, however, hastened public recognition of his abilities. Returning to scientific pursuits, he became professor of chemistry in Dickinson College and then professor of mineralogy and chemistry in the University of Pennsylvania. (Many years later, in 1820, Cooper became President of the University of South Carolina, where also he held the chairs of chemistry and of political economy, until in his old age he was driven into retirement because of his theological heresies.) Meanwhile, just on the eve of the War of 1812, the youthful Audubon (born of Huguenot parents in Louisiana but now a citizen of Pennsylvania) was beginning those yearly explorations of the primeval forests of the "Far West," along the banks of the Ohio, that were to enable him soon to carry the study of ornithology farther than any naturalist before him.



Even more noteworthy were certain studies of the time upon the nature of human society. A new concept of social progress and of the gradual perfectibility of human nature (through education and a better social organization) was becoming an article of faith with American democratic radicals—to dominate the thought and the unconscious mental attitude of the next century. This concept of progress, "the most dynamic social theory ever shaped in the history of thought," and

wholly unknown to ancient philosophers,<sup>5</sup> seems to have appeared first, dimly, in the speculations of French thinkers of the early eighteenth century. It shines out clearly in the writings of the Encyclopedists, soon after the middle of that century. And in the opening years of the French Revolution, Condorcet's famous essays and St. Just's *Institutes* formulated it into a political creed. In a more moderate and rational form the same concept appears more and more clearly in the later writings of Franklin and in Jefferson's speculative philosophy.

Robespierre, while working the bloody guillotine swiftly with one hand, in order to remove obstacles, strove with the other to build up a new France—which he seems to have imagined could be done in one generation by a new education! "We must entirely re-fashion a people whom we wish to make free," runs the preamble to his decree for a system of universal popular education, "destroy its prejudices, alter its habits, root up its vices, purify its desires. The state, therefore, must lay hold of every human being at its birth and direct its education with a powerful hand." And his lieutenant, St. Just, especially in charge of this constructive work, declared that he would blow out his brains at once if he did not believe it possible by "a school of the nation," to remodel the French people so that it should possess "the happiness of virtue, of moderation, of comfort."

The most radical Americans, however, were somewhat more cautious. Thomas Paine, in his *Rights of Man* (written primarily to defend the French Revolution in England and America against Burke's virulent attack), declines to anticipate quite so sudden a recasting of human nature but does also look forward to *some* future human society with international peace, mild and just laws, universal education, abolition of all poverty, and old-age pensions. But Franklin, inclining

<sup>5</sup> Plato's *Republic* does not assume any change in human nature, but only a wiser arrangement of society, to place power, and enjoyment, in that part of society most worthy.

wistfully toward the same ideal, saw too plainly the likelihood that man's control over nature would grow faster than his control over his own evil passions, and, some dozen years before the French Revolution began, he wrote to his friend Priestley (who, of course, was then still in England but with whom Franklin had already been brought into association through their common interest in electricity):

It is impossible to imagine the height to which may be carried in a thousand years the power of man over matter. We may perhaps learn to deprive large masses of their gravity, and give them absolute levity, for the sake of easy transport. . . . All diseases may be prevented or cured, not excepting that of old age. . . . O, that *moral* science were in a fair way of improvement, that men would cease to be wolves to one another, and that human beings would at length learn what they now improperly call humanity!

Jefferson, coming later, maintains only that no definite limit can be assigned to progress either in science or in human nature, and that society *ought* to advance as fast as physical science. In his reflective old age, too, he found the fundamental distinction between the two great political parties in the belief or disbelief in this possibility of social progress.

### J

In secondary schools, the chief advance at this time was in the South. North Carolina and Georgia were trying honestly to redeem the pledges given in their democratic constitutions (page 233). North Carolina had established fourteen state academies, supported by land grants and state lotteries, and Georgia had set aside generous amounts of wild lands and of confiscated Loyalist property for a like purpose. Most academies, however, the country over, were still private institutions, with widely varying characters.

The common-school situation was still deplorable—in spite of numerous high-sounding projects on paper; but here and there were appearing Pestalozzian schools, whose new philos-

ophy was in accord with the new democratic theories of social progress. (One of the earliest was in frontier Kentucky.) Distinct instruction in law and medicine was beginning in a few of the larger colleges; but, for years to come, most young men who wished to become lawyers or doctors prepared themselves mainly by studying in the office of an older practitioner.

Art had greater hindrances to overcome than science had. Still, before 1800, painting of certain types reached a high distinction in the hands of Copley, West, Trumbull, Stuart, and Peale—though these artists did find it hard to earn a mechanic's wage in America, so that the first two of them early sought patronage in England.

Intimately interwoven with the development of the concept of social progress were two other intellectual tendencies of the period. The first, naturally, was a disposition to speculate upon schemes of universal education. The scores of books and pamphlets that presented differing plans of that sort are now forgotten, but they did their work in keeping the idea alive and vigorous until a more fruitful season. The other tendency was a loosening of theological dogma, due to the inevitable conflict between the new idea of human perfectibility and the old doctrine of original sin. So John Adams in New England became a Unitarian, while Franklin, Paine, Jefferson, Hamilton, Madison, and many others of their ilk, more or less doubtful of the "God of Revelation," became Deists, worshipping a "God of Nature," a divine "Person" ruling the universe with benevolent omnipotence.

### THE HOPEFUL OUTLOOK

Three hopeful conditions in 1800, not yet touched upon, explain in large measure the wonderful progress of the American people in the century that followed. These were the abundance of free land, the intellectual activity among even

the agricultural classes, and the peculiar American talent for mechanical invention.

1. Free land, to be had for the taking, had been from the beginning the basis of American democracy. In colonial times it had protected the artisan against attempts by the aristocratic classes to keep down his wages by law—since he could lay aside his trade for a farm (page 80); and until long after 1800, free land for some meant better wages and more industrial freedom for all the working classes. True, wages and the standard of living were still low; but this was because no great amount of wealth had been accumulated. For the farming class itself, too, free land meant that only the best soils had to be used, and that, even on them, there was no such demand for costly fertilizing as in the Old World. Agriculture, the main American industry, was amazingly productive, even with the primitive methods of that day. The yield per man (though not per acre) far exceeded that of the best European agriculture in that day.

This free land, however, was already becoming "less free." At the close of the Revolution, Virginia and other states with large unsettled territory paid their soldiers largely in military "land warrants." Each such warrant authorized the holder to locate and get title to a certain amount of any of the state's wild land. But such lands were mainly at some distance from the settlements, and multitudes of soldiers sold their land warrants—often for a song—to large speculators, who then secured vast tracts in the most desirable districts. As early as 1784, Washington declared that such "forestallers" had left hardly a valuable spot in Virginia's lands within reach of the Ohio. (He was just back from the West where he himself had located enormous holdings, partly on military warrants purchased from soldiers.)

2. The second consideration was even more important. In every Old World land the men who tilled the soil were a peas-

antry—slow, stolid, unenterprising, wholly distinct from the rest of society. Here, in 1800, the men who tilled the soil—to quote Francis A. Walker's passage—

were the same kind of men precisely as those who filled the professions or were engaged in commercial or mechanical pursuits. Of two sons of the same mother, one [the weakling of the family perhaps, and so thought unfit for a farmer] became a lawyer, perhaps a judge, or went down to the city and became a merchant, or gave himself to political affairs and became a governor or a member of Congress. The other stayed upon the ancestral homestead, or made a new one for himself and his children out of the public domain, remaining all his life a plain hardworking farmer [the children of the two families mingling without suspicion of social or intellectual distinction]. . . . There was then no other country in the world, . . . where equal mental activity and alertness [were] applied to the soil as to trade and industry.

3. Of mechanical insight and invention, to quote General Walker again,—“There is only one nation in the world to the mass of whose population this form of genius can be attributed. That nation is our own. There are few Americans of American stock . . . who have not mechanical aptitude in a measure which elsewhere would make them marked men. ‘The American invents as the Greek chiselled, as the Venetian painted, as the modern Italian sings.’ ”

## CHAPTER XX

### THE REVOLUTION OF 1800

*As real a revolution in the principles of our government as that of 1776 was in its form.*—THOMAS JEFFERSON.

*A Republic, you tell me, is a government in which the People have an essential share in the Sovereignty. Is not the whole Sovereignty, my friend, essentially in the People.*—SAMUEL ADAMS in a letter to John Adams.

A MERICAN history from 1801 to 1809 has been called “the biography of Thomas Jefferson.” Jefferson was the mainspring of political action during those years and the chief inspirer (so far as one man could be) of the growing sentiment for more democracy. The nation believed in him; Congress swayed to his wish; his great Secretaries (Madison for State affairs, and Gallatin<sup>1</sup> for the Treasury) admired and followed him.

Jefferson was six feet, two and a half inches tall. His frame was vigorous but loose-jointed—so that an English diplomat said (to Jefferson’s delight) that he looked like “a tall, awkward farmer.” His hair was sandy; his eyes, “flecked with hazel”; and his face irregular, freckled, and sunny. He was an athletic and reckless horseman, an enthusiastic farmer, and the valued correspondent of the most famous scholars of Europe. The accounts of contemporaries show him, sitting on one hip, with neglected dress and slippers down-at-the-heel, chatting with rambling charm; or, with methodical industry, recording minutest weather details; or drawing up neat tables to show, through a period of several years, the dates for the

<sup>1</sup> Gallatin was a Swiss emigrant, and, for some years past, a leader of the radical Republican party in Pennsylvania. He had criticized Hamilton’s financial policy keenly, and had even been identified with the earlier stages of the movement that resulted in the Whisky Rebellion.

appearance of thirty-seven vegetables in the Washington markets; or reporting judicial decisions (the model for our later judicial "Reports"); or devising rules for parliamentary procedure (the first manual of that sort, and long the only one); or drawing plans for buildings, public or private; <sup>2</sup> or directing, with gentle suggestion, the politics of a distant state; or discussing with some leading European scientist the latest discovery in that celebrity's own field; or inditing some other form of that voluminous and charming correspondence which has earned him the title "the greatest American letter-writer." Some turgid youthful verses of William Cullen Bryant (reflecting the venom of a Federalist village hatred for Jefferson) recognize his interest both in science and in the West. The boy Bryant calls upon the "wretch" to "resign the presidential chair" and

Go search with curious eyes for horn-ed frogs  
Mid the wild wastes of Louisianian bogs,  
Or, where Ohio rolls his turbid stream,  
Dig for huge bones—thy glory and thy theme



In 1800, Jefferson had already had a distinguished career. He had entered the Virginia Assembly in the memorable session of 1769 (page 207). Four years later he was one of its leaders in organizing the first Intercolonial Committee of Correspondence. In 1775 he was sent as a delegate to the Continental Congress, where he was to pen the Declaration of Independence. Soon afterward he chose to re-enter the Assembly of his state, in order to lead there a social revolution by peaceful legislation—in some ways his supreme service.

<sup>2</sup> While still a young man Jefferson planned, for his bride, the famous Monticello home—quite unlike the usual Virginian mansion of that day. He was already attracted to those classical models which he was to follow (just after the Revolution) in designing the State Capitol at Richmond and which he used again so effectively in old age in planning the beautiful Rotunda of the University of Virginia—still unique among American universities for the calm loveliness of its architecture.

Under his guidance, in 1777-1778, amid all the turmoil and strain of the Revolutionary War, the reform party in Virginia (1) prohibited further importation of slaves into the state; (2) swept away every vestige of the ancient checks upon complete religious freedom; (3) replaced the complicated and barbarous legal system by a new code, simple, compact, humane, and modern; and (4) overthrew entail and primogeniture, the feudal bulwarks of the landed aristocracy.

The aristocratic opposition was especially bitter against this last reform. When they saw themselves outvoted, they still pleaded for at least a double inheritance for the oldest son; but replied Jefferson—Not unless it can be shown that the oldest son needs twice as much to feed and clothe him as his brother does. Soon after this struggle, Jefferson's only son, a babe, died from exposure in a mid-winter flight from a Tory raid; and aristocratic planters blasphemously called this calamity "a righteous judgment of God, destroying the family of the man who wished to destroy all families!"

In all this contest Jefferson had the earnest backing of the western counties. Attention has been called already to this exceedingly important side of the Revolution. Every state saw something of the kind; but nowhere else, unless in Pennsylvania, was the change so sweeping. In that state wholly new forces had come into control of the legislature, and, as in most others in greater or less degree, the old aristocratic leaders had been driven out as Tories. But in Virginia the aristocratic landlords, after a little hesitation in 1765, had warmly taken the side of the Revolution—which made it much harder to secure democratic reforms against their will.

Jefferson's views had been even more far-reaching than the actual accomplishment. He had hoped for gradual emancipation of slaves and for a noble system of public schools. The latter scheme he returned to enthusiastically fifty years later, in his old age, when he did at least organize a new University



*Th. Jefferson*

"I HAVE SWORN ON THE ALTAR OF  
GOD ETERNAL HOSTILITY TO EVERY  
FORM OF TYRANNY OVER THE MIND OF MAN."

of Virginia—upon a more liberal basis than any other educational institution in the world then had, even outrunning Franklin's plans in Pennsylvania. All studies were elective. Modern languages and sciences were given equality with Greek and Latin and mathematics, and place was found for political science and for agriculture. There were no religious tests; attendance at chapel was voluntary; the "honor system" and student self-government controlled the student body; and the government of the institution was placed in the hands of the faculties, on a thoroughly democratic basis. Most notable of all, and most characteristic of Jefferson, was his determination that the institution should be "based on the illimitable freedom of the human mind." On December 7, 1820, he wrote to his friend Roscoe: "Here we are not afraid to follow the truth wherever it may lead, or to tolerate any error, so long as reason is left free to combat it."

During the troubled years 1779-1780, Jefferson served as governor of Virginia, winning warm gratitude from Washington for the broad patriotism that led him to sacrifice minor interests in his own state to the safety of the general American cause. Then after brief retirement, due to private griefs, he reappeared in the Continental Congress in 1783, for brief but distinguished service, establishing both our rectangular land survey for the public domain and the principles of our future Territorial organization (page 273 and note). Next we see him American Minister in France. There he watched the early stages of the French Revolution with eager sympathy, and while preserving in public the impartial attitude proper for a foreign minister, he was in private the valued adviser of Lafayette and other reformers, whose inexperienced enthusiasm he was sometimes able to direct wisely. French thought now secured a strong influence upon him, but his admiration for that country in no way weakened his Americanism. He urged Monroe to come to Europe, "because it will make

you adore your own country. its soil, climate, equality, liberty, laws, people, manners"; and he predicted that, while many Europeans would remove to America, no man then living would see an American seek a home in Europe. In 1790 he returned to America to take a place in Washington's Cabinet, and then to build skillfully the party of the people, which triumphed in his election to the presidency.

It is characteristic that, at the close of his brief Autobiography, in counting up his services to his fellows, Jefferson gives prominent place to his efforts in making navigable a Virginia creek and to his introducing into South Carolina a heavier and better rice than was before grown in America. "The greatest service which can be rendered to any country," he comments, "is to add a useful plant to its cultivation."

The two things that men remember against the broad background of Jefferson's varied activity are that he gave immortal form to the principles of the political Revolution of 1776, in the Declaration of Independence, and that he stood for the democratic aspirations of the social "revolution of 1800." The modest shaft that marks his resting place bears only the words (selected by himself), "Author of the Declaration of Independence, of the statute of Virginia for Religious Freedom, and Father of the University of Virginia." With true insight, Jefferson represented in that epitaph his work in three related fields—political liberty, religious liberty, and higher popular education. History adds the proud dictum of one of his biographers: "If America is right, Thomas Jefferson was right."



Jefferson's political principles, for domestic concerns, were (1) trust in the people; (2) restriction of all government,<sup>3</sup>

<sup>3</sup> Government in that day was almost wholly repressive—or beneficent to a privileged class only, at the expense of other classes. It did not yet dream of providing schools, libraries, hospitals, asylums, weather bureaus, or the manifold other activities of general helpfulness now belonging to it. Jefferson soon became an early advocate of such wider helpfulness (page 410 f.).

especially of the central government; (3) frugality; (4) simplicity; and (5) "encouragement of agriculture, and of commerce as her handmaid," rather than of manufactures. These principles are summed up admirably in his first inaugural (page 371). The best government, he declared, is one that "while it restrains men from injuring one another, shall leave them otherwise free to regulate their own pursuits, and shall not take from the mouth of labor the bread it has earned."

As to foreign affairs, Jefferson hoped to begin a golden age of peace. War was a blunder. Army and navy we could dispense with. At most, we could need only "commercial coercion" to secure our rights from other nations: "Our commerce is so valuable to them," he argued, "that they will be glad to purchase it when the only price we ask is that they do us justice." Years later, when rude experience had shattered his noble dream of universal peace, Jefferson turned to a vision of a New World peace, with the United States as the protecting elder brother of American nations. He hopes for "fraternization among all American nations," and dwells upon the importance of their "coalescing in an American policy totally independent of that of Europe," adding, "When our strength will permit us to give the law to our hemisphere, it should be that the meridian of the mid-Atlantic should be the line of demarcation between peace and war,—on this side of which no act of hostility should be permitted." And again, "The day is not far distant when we [the United States] may formally require a median of partition through the ocean, on the hither side of which no European gun shall ever be fired, nor an American on the other, and when, during the rage of eternal war in Europe, the lion and the lamb within our regions shall lie down in peace."



The "revolution of 1800," however, lay rather in a change of *spirit* than in any change of laws. Jeffersonian simplicity

has become a byword. At each previous inauguration the President had been driven to the ceremony in a gilded coach drawn by six white horses. Jefferson, accompanied by a few friends, walked quietly from his boarding house in Washington<sup>4</sup> to the new Capitol to take the oath of office. President Washington (and Adams after him) had "opened" each Congress in person with a speech that kept many a hint of the English "speech from the throne" to Parliament; and Congress had replied (English fashion, again) by drawing up an "address of thanks," and then driving in formal procession to the President's residence and standing bareheaded in his presence while it was read to him. But from the first, Jefferson held communication with Congress only in writing and without unnecessary formality. (His critics, it is true, ascribe this practice to the fact that he was a poor public speaker. In 1913, Woodrow Wilson restored the personal speech to Congress, but without any aristocratic or monarchic ceremony.) In matters of hospitality at the White House, too, Jefferson discarded the elaborate and courtly ceremonial of his predecessors in favor of what the shocked European diplomats called a "pell mell" style.

Not much legal reform was necessary. The Alien and Sedition Acts (enacted for two years only) had expired. The Republicans did repeal the fourteen-year Naturalization law (page 361), all internal revenue taxes (the whisky tax, house tax, and stamp duties), and the partisan Judiciary Act that the Federalists had hurried through in 1801 after their defeat at the polls.<sup>5</sup>

<sup>4</sup>The government had moved from Philadelphia to Washington during the preceding summer. The Capitol and White House were only partly finished, and the few other buildings were mainly cheap frame boarding houses.

<sup>5</sup>The Federalists charged that this last repeal was unconstitutional and that the Republicans had dragged the judiciary into politics! To prevent the Federalist Supreme Court from interfering with the repeal, another law adjourned the sittings of that body for some months—and the matter never came before a court for decision. There was a nice question. Congress is forbidden by the Constitution to decrease the salary of a judge or to dismiss him

The debt had never been decreased by the Federalists, and the war flurry of 1798 had raised it, through new loans, to \$83,000,000, with an interest charge each year of \$3,500,000. During the closing years of Federalist rule, indeed, the ordinary expenditure had outrun ordinary income. One of Jefferson's dearest hopes was to abolish the national debt. He and Gallatin planned to get rid of half of it in eight years. The army was cut to 3,000 men; most of the war vessels were docked; and every saving possible in any other department was rigidly enforced. In 1803, the purchase of Louisiana added \$15,000,000 to the debt, and war with the Barbary Pirates compelled more military expense. The giving up of internal taxes, too, had greatly reduced the revenue. Still Jefferson's promises were well kept: at the end of his eight years, the debt had been reduced to \$57,000,000, with an interest charge of only \$2,000,000 a year.

The most annoying problem (in home affairs) had to do with the Civil Service. The Federalist Presidents had excluded Republicans from all office. They had not had to dismiss any: none got in. This policy, too, had been emphatically avowed. Washington wrote to Pickering, his Secretary of War in his second administration: "I shall not, while I have the honor of administering the government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures the general government are pursuing; for this, in my opinion, would be a sort of political suicide." And Senator Bayard, as mouthpiece for Adams, declared, "The politics of the office-seeker will be the great object of the President's attention, and an invincible objection if different from his own." Washington and Adams did not use office to pay for party services: they did use it to strengthen the (except by impeachment). Can it then take salary and office from a number of judges by abolishing a court? The thing has been done later—under somewhat like circumstances—when the school-lived, reactionary Commerce Court was abolished in 1913.

“right party” (their party) and so “save the country.” This attitude was morally very far from the later spoils system of Jackson’s day, but it was practically sure to glide into that system.

Now had come the first change of party. If Jefferson followed Washington’s policy to its logical conclusion, he would dismiss all officeholders, to make room for Republicans. His opponents feared that he would do so, and his supporters brought to bear tremendous pressure to secure that program. Jefferson’s views are set forth in his correspondence:

“Mr. Adams’ last appointments, when he knew he was naming counsellors and aids for me and not for himself, I set aside as far as depends on me, and will not deliver commissions when still in executive hands. Officers who have been guilty of gross abuses of office, such as marshals packing juries, etc. [to secure conviction under prosecution for “sedition”], I shall now remove, as my predecessor should have done. . . . The right of opinion shall suffer no invasion from me” (Letter to Gerry, March 29, 1801). He then thought that “of the thousands of officers in the United States, a very few individuals only, probably not twenty, will be removed” (Letter to Rush, March 24). Later he adds “industrious partisanship” as a proper cause for removal; and July 21, in reply to Federalist critics, he asks whether the minority expect to continue to monopolize the offices from which, when in power, they excluded all their opponents, and queries how a “due participation” for the majority is to be obtained, since vacancies “by death are few, by resignation, none,”

About a year later, Jefferson admits that his non-partisan program has not been followed “with the undeviating resolution I could have wished” (October 25, 1802); but he had little reason to blame himself. Only a score or two of officials had been dismissed for strictly political reasons (these mainly federal marshals and attorneys<sup>6</sup>), and in spite of all changes

<sup>6</sup> From the first, Jefferson declared his intention to remove certain Federalist marshals and attorneys—connected with the judicial branch of the government, which that party monopolized. The courts themselves he could not change; but he could keep open these “doorways” to them.

from various causes, more than half of the officials of March 4, 1801, were still holding office four years later.

Moreover, Jefferson and Gallatin were the first statesmen in the world to think out the principles upon which alone a non-partisan civil service can be permanently maintained. They saw and said that each officeholder ought to be at liberty to think and vote as his conscience led, but that, to preserve this freedom, he must refrain from "electioneering activity." Gallatin prepared a circular to warn subordinates in his department that "while freedom of opinion and freedom of suffrage are imprescriptible rights, the President would regard any exercise of *official* influence to control the same rights in others as destructive of the fundamental principles of a republican constitution." Probably these Republican statesmen felt more strongly the necessity of checking "offensive partisanship" by officials because most officials still belonged to the opposite party, but Gallatin made clear that the principle was to apply to activity for the administration as well as against it.

Even after the repeal of the Judiciary Act of 1801, the Federalists remained in complete possession of the courts and those courts showed a bitter and shameful partisanship. Chief Justice Dana of Massachusetts, in 1798, during a political campaign, in a charge to a grand jury, attacked the Republican party (including Jefferson expressly) as "apostles of atheism, anarchy, bloodshed, and plunder."<sup>7</sup> Justice Chase of the Federal Supreme Court had given even greater cause of offense. In 1803, in a charge to a Maryland grand jury, he had declared that the Republican attempt in Maryland to establish manhood suffrage, "will, in my judgment, take away all security

<sup>7</sup> Jefferson, as his frequent and devout references to a God show, was not an atheist, but neither was he a Christian. He was a deist, and he applied to the Scriptures principles of criticism like those known now under the title of "the higher criticism." Nor did he ever, for politic or political considerations, make the slightest concealment of his opinions—which was perhaps the easier since so large a portion of the great leaders of that day held, openly or secretly, much the same opinions.

for property and personal liberty [in that State] . . . The modern doctrines . . . that all men . . . are entitled to equal liberty and equal rights have brought this mighty mischief upon us." Chase had presided also at two "sedition" trials, and had manifested there a partisan and browbeating disposition. Twice his violence drove from the court the most eminent lawyers of the circuit, and during the political campaign of 1800, he had broken up the sessions in order to make Federalist speeches.

Jefferson felt keenly the need of correcting the partisan character of this appointive branch of the government. In December, 1801, he wrote: "They [the Federalists] have retired into the Judiciary as a stronghold. There the remains of Federalism are to be preserved and fed from the treasury, and from that battery all the works of Republicanism are to be beaten down and destroyed." But the principles of the Republicans with regard to the government forbade them to *enlarge* the courts in order so to get control of them; and in any case they could not very well have done that just after repealing the vicious Federalist law. All federal judges held "during good behavior"; and the only way left for the Republicans to get a foothold was to remove judges by impeachment. After much hesitation, and only half-heartedly, Jefferson and his party tried this method. Justice Pickering, of the New Hampshire District, was removed for drunkenness while on duty, but an attempt to remove Justice Chase from the Supreme Court for his partisan conduct failed of the necessary two-thirds vote in the Senate (still largely Federalist itself), and the movement was dropped.

The breakdown of this attack upon Federalism in the Courts left John Marshall free to complete Hamilton's work and to make the Constitution a national constitution by his judicial decisions. Marshall was one of Adams' latest appointments. He served as Chief Justice from 1801 to 1835; and his in-

tellectual dominance over his associates brought to his way of thought five Republican justices appointed by Jefferson and Madison to outweigh him. Born in a Virginia frontier cabin, he had none of the frontier jealousy of authority—perhaps because his experiences as a soldier at Valley Forge had given him a clear vision of the evils of a weak government. He was a man of simple manners, of direct, upright, engaging character, of mighty intellect, but of strong prejudices.

Marshall's first great decision was in the famous case of *Marbury vs. Madison*. Adams' appointments had been completed so late on March 3 that some of the commissions were left undelivered. Jefferson declared such papers of no account, and made new appointments. A certain Marbury, whom Adams had named a Justice of the Peace for the District of Columbia, sued in the Supreme Court for a writ of mandamus, to compel Madison (the new Secretary of State) to issue to him his withheld commission. The Court declared, through Marshall's pen, that it had no jurisdiction in such a suit.<sup>8</sup> True, the Judiciary Act of 1780 had distinctly given the Supreme Court authority to issue just such writs; but since the Constitution itself did not name any such contest *between a citizen and a public officer* as included in the original jurisdiction for the Supreme Court, that particular provision of the law of 1789 was now declared unconstitutional and void.

This was the first time the Supreme Court declared void any part of an Act of Congress. The clause was one conferring power upon the court itself. No other so modest opportunity could have been found. But the argument of the Chief Justice went on, far beyond the immediate case, to establish this power of the courts in *all* cases where, in their

<sup>8</sup> Marshall's partisan feeling led him, none the less, to add that Marbury was legally entitled to the office. Since Marshall had been acting through March 3 as Adams' Secretary of State, in signing commissions, he came perilously near acting as judge in a case in which he was himself vitally interested. Says Professor Channing (*Jeffersonian System*, 118),—"This is the one decision in Marshall's judicial career which still gives pain to all but his blindest admirers."

judgment, they might find conflict between a law and the fundamental law.



In 1804, Jefferson was reëlected by 162 electoral votes to 14, and even in the hold-over Senate of 34 members there were left only 7 Federalists. Jefferson's popularity seemed higher than ever. Early in his second term, the Vermont legislature requested him to permit his name to be used a third time, for the campaign of 1808, and this nomination was promptly seconded by legislatures in seven other states. Jefferson declined, and used the opportunity to establish firmly one more Republican doctrine. Washington's refusal to be a candidate for a third term had no constitutional bearing. He had refused for purely personal reasons and had felt it needful to excuse himself against a possible charge of lack of patriotism in laying down his task. Jefferson declined, in order to establish a principle. While the Constitution was in the making, he had written from Paris urging that a limit should be set in that document upon the number of times the chief magistrate might be reëlected; and now, since that had not been done, he urged that some limit should be fixed by custom, lest the tenure come to be for life. The limit, he added, should be two terms, as already suggested by Washington's action. Any longer tenure would be "dangerous to Republican institutions."

This response caught the popular imagination. Addresses poured in from mass meetings and legislatures approving its patriotism and its doctrine, and expressing ardent hope that the example might be followed in succeeding history. The principle became at once so firmly embedded in our unwritten constitution that only once has an attempt been made to override it.

In Jefferson's second term his party showed strong inclinations to extend the power of the federal government. Repub-

licanism had been modified by the very completeness of its victory. Nearly half its adherents now had formerly been Federalists, and still remained half Federalist in political thought. Moreover, the "Old Republicans" themselves, under the responsibilities and opportunities of office, began to feel differently toward the power of the government. For his own part, Jefferson strove valiantly not to "make waste paper of the Constitution by construction," but he, too, had come to favor *amendments* to enlarge the sphere of the government's action.

In his second inaugural, accordingly, he called attention to the rapid decrease of the debt and to the fact that only a few millions more could be taken up in the next few years (the rest not being due). He then suggested that, instead of decreasing the revenue tariffs "on luxuries," the surplus revenue, by a proper amendment to the Constitution, might be applied to "rivers, canals, roads, arts, *manufactures*, education, and other great objects." Soon after, he wrote to Gallatin that he was "impatient to begin upon canals, roads, colleges, etc." And, finding his supporters blandly indifferent on the score of amendments, he reluctantly began to move toward his new ends under the once condemned doctrine of implied powers!

The first such extension of powers concerned the improvement of harbors. The government raised a sunken gunboat which imperiled a harbor entrance, and this precedent led to the further removal of harbor obstructions. The building of dry docks to protect the unused national navy, was extended to the construction of public wharves for commerce. And, though Jefferson had looked with critical eye upon the construction of a lighthouse in Washington's time, he now quietly approved large appropriations for the exceedingly useful coast survey inaugurated in 1806. "The utility of the thing," he said, "sanctioned the infraction."

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The excuse for federal expenditure on harbors was that it was paid for out of the tonnage tax on vessels. But, what harbors were to Eastern communities, roads would be to the people of the West. Why should not the nation build such roads and pay for them out of the sale of the public lands—to which they would give value? This was the guise under which the question of "internal improvements" appeared.

When Ohio was admitted as a state, in 1802, the national government still owned a vast domain within the borders of the new commonwealth. On the suggestion of Gallatin, Congress promised that one twentieth of the proceeds from the sale of those lands should be used in building roads from Atlantic rivers to the Ohio River, and afterward on roads within the state. The strict constructionists excused the measure as a bargain between the United States and Ohio. Ohio, said Gallatin, could hardly be expected to acquiesce in the nation's retaining title to the vast public domain inside the state without some such sop. But lands sold slowly, and in 1806, Congress agreed to *advance* \$30,000 (to be repaid out of future land sales) and a survey was begun at once for "The National Road," from Fort Cumberland in Maryland, on the Potomac, to Wheeling in western Virginia, on the Ohio.

In his next message to Congress (December, 1806), Jefferson urged (along once more with the suggestion of a necessary amendment) a national university and a system of internal improvements to cement the union between the states. *Without reference to the need of an amendment*, Congress replied by asking the executive to submit a plan for roads and canals. This led to Gallatin's famous report of 1808. That paper sketched a comprehensive system of communication to be built during a period of ten years, at an expense of \$2,000,000 a year. (1) Canals through Cape Cod, New Jersey, and other projections were to create a shorter and safer inside coast route.

(2) A turnpike was to run from Maine to Georgia. And (3) turnpikes were to join four eastern rivers with streams beyond the mountains. But at this moment national revenue fell away, because of the embargo of 1807 (page 428), and for some years all such projects were lost in war clouds.<sup>9</sup>

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Western settlement continued in the period 1800-1810 much as in the ten years preceding, but at a swiftly accelerating rate and with less peril from Indians. Three distinct waves of settlement were noticeable. Backwoods squatters opened small clearings. After a few years these were bought and enlarged by pioneer farmers who secured title from the government. But this class, in turn, soon followed the backwoods hunters farther west, selling out their first homes to a more permanent set of farmers with more capital. Many true pioneers made several of these removes toward the setting sun, during a lifetime, as they sensed the approach of civilization treading too close upon their heels.

Between 1800 and 1810, Ohio grew ninefold—from 45,000 to 406,000; while 24,000 people pressed on into the southern districts of Indiana, and half that many penetrated even into southern Illinois. Even the older communities south of the Ohio—Kentucky and Tennessee—doubled their numbers, rising to two-thirds of a million. In 1811, 1,200 flatboats passed the rapids of the Ohio with cargoes of bacon, beef, and flour, bound down river. The West had found a way, also, to market large parts of its corn “on the hoof.” Each fall, immense droves of cattle and hogs (4,000 “razor-backs” in one drove) were driven over the wagon roads to the Eastern cities, finding subsistence as they moved.

<sup>9</sup> Pennsylvania, alone of the states, then acted vigorously for herself. In six years after Gallatin's plan was dropped (1809-1815), she spent \$2,000,000 on roads, and, under state encouragement, private corporations spent twice as much more on toll roads. By 1815, a thousand miles of turnpikes, with good bridges, linked together the important districts of the commonwealth, and joined the Eastern waters with Pittsburgh on the Ohio.

This rapid growth of the West was greatly assisted by a liberal change in the government's policy regarding public lands. The original Survey Ordinance of 1785 (page 273) had provided for the sale of land in "small lots" of 640 acres—to encourage its purchase directly by settlers, instead of only by land companies and speculators. Price was still left too high, however, and lots too large, for the ordinary pioneer. So in 1800 came the first of a long series of generous reductions—with the establishment of many new land offices at convenient Western points. Land could then be bought in 160-acre lots at two dollars an acre. Only one fourth of this had to be paid down: the rest could be paid over a period of four years, "out of the profits of the crops." In the ten years before 1800, less than a million acres of public land had been sold to *settlers* by the government; but, in the next twenty years, sales averaged a million acres a year, and the lines of would-be purchasers before Western land offices suggested the new byword (long current in the West) "doing a land-office business."



And now came the steamboat, with its promise of making the vast Western territory accessible. The Watts stationary steam engine had been in use in England for several years, and by 1800 there were four or five such engines in America; but in this country, with its tremendous distances, and its lack of roads, the first need was to apply steam to locomotion—and especially to locomotion by water.

As early as 1789, John Fitch, a poor man without education but with marked inventive genius, built a ferryboat with paddles driven by a steam engine of his own construction, and ran it up as well as down the river at Philadelphia for some months. But capital was still timid and conservative, and Fitch could not raise money, east or west, to improve or continue his experiment. He seems to have had other troubles,

also; for, when, after a ten years' struggle, he put an end to his life in disgust and despair in a Kentucky tavern, his gloomy farewell contained only the significant advice to "beware of wives and steamboats." During these same years, Philadelphia had another neglected genius, Oliver Evans, who likewise built a steam engine suited for locomotion, but again the inventor failed to secure money to finance the undertaking to practical success. The like was true of James Rumsey of Virginia, who possibly preceded even Fitch in his successful application of steam to water navigation.

Robert Fulton was more fortunate. He too had spent heartbreaking years, both in Europe and America, in attempts to find capital to back his invention. Napoleon repulsed him as a faker—and so lost his chance for command of the English Channel and for world empire; but at last the inventor secured money from Robert R. Livingston of New York. Livingston had just negotiated the purchase of the western half of the Mississippi valley from France (page 419), and he foresaw, in part at least, the vital importance of the invention for the development of that "Far West." So in 1807, "Fulton's Folly," *The Clermont*, launched at New York amid the jeers of witty spectators, converted the world by its trial trip *up* the river to Albany (150 miles) in 32 hours. A year later, a line of boats was plying regularly on the Hudson, and men were planning them for Western rivers. Indeed, in 1811, *The New Orleans* was launched on the Ohio at Pittsburgh—but just then came the interruption of the War of 1812.

## CHAPTER XXI

### TERRITORIAL EXPANSION

#### THE WESTERN HALF OF THE MISSISSIPPI VALLEY

*We have lived long, but this is the noblest work of our lives. The treaty we have just signed will change vast solitudes into a flourishing country. . . . It will cause no tears to flow. It will prepare centuries of happiness for innumerable generations.*—ROBERT R. LIVINGSTON.

IT WAS fitting that the glory of winning the western half of the Mississippi valley should fall to Jefferson. He had always sympathized with the attitude of the West toward Spain's hold on the mouth of the river—as almost no other Eastern statesman did. When Jay proposed a treaty with Spain, in 1786, whereby, in return for certain commercial concessions, we were to surrender for twenty-five years all claim to navigate the Mississippi, Jefferson wrote from Paris in solemn warning, "The act which abandons the navigation of the Mississippi is an act of separation between us and the Western country." Man of peace though he was, he had said that such portions of the vast domain of dying Spain as we wanted must come to us in time—by force if necessary, though he had believed confidently that such territory would drop peacefully into our hands, as Spain's grasp weakened.

But late in 1801 fell a thunderbolt: America learned that Spain had secretly ceded Louisiana back to France, then the most aggressive of European nations. The alarmed Western districts clamored wildly for the immediate seizure of the desired region at the mouth of the Mississippi, and, with all his friendship for France, Jefferson saw clearly that we must purchase or fight. "France," said he, "has become our foe by

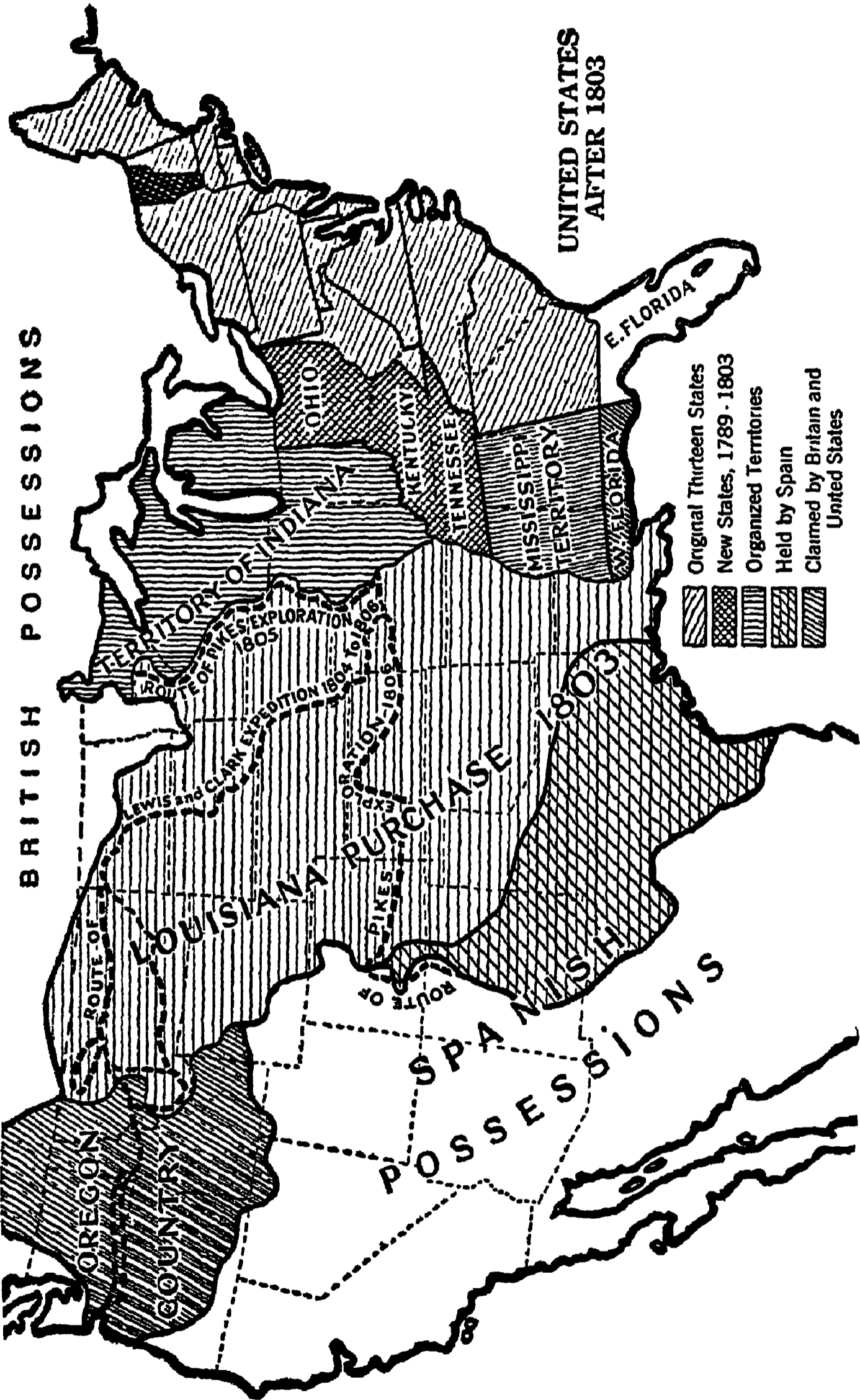
the law of Nature," and to Livingston, the American minister at Paris, he wrote: "There is on the globe one single spot, the possessor of which is our natural . . . enemy. . . . The day that France takes possession of New Orleans . . . seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation."

Accordingly, Jefferson obtained from Congress a hurried appropriation to be used either for war or negotiation, and instructed Livingston to try to buy, not Louisiana, of which no one yet thought, but New Orleans and the Floridas.

At first Livingston saw small chance of either frightening or cajoling the arrogant Napoleon, the new master of France, whose mind was captivated by the dazzling dream of restoring the ancient French empire in America. Napoleon learned however (just in time for our negotiations) that a splendid army of twenty-five thousand veterans which he had sent to secure Haiti, as a half-way station to Louisiana, had wasted away against tropical fevers and the fine generalship of the negro leader, Toussaint L'Ouverture. He wisely hesitated to send more of his soldiers on that futile expedition—and other armies to hold the mouth of the Mississippi against American frontiersmen, who could so easily swarm down that stream. Moreover, he had just decided upon a new war with England (there had been peace for two years in Europe), and a distant colony would be exposed to certain capture by England's navy.

So Napoleon abruptly dropped his gorgeous dream (together with his solemn pledges to Spain <sup>1</sup>) and forced upon the

<sup>1</sup> Spain had hoped to find compensation for Louisiana by interposing France as a barrier between the United States and her other American possessions. Talleyrand, who had managed the French negotiations with Spain, played upon this string. "The Americans," he urged, "are devoured by pride," and "mean at any cost to rule alone in the whole continent. . . . The only means of putting an end to their ambition is to shut them up within the limits Nature seems to have traced for them [east of the Mississippi]. . . . Spain, therefore, cannot too quickly engage the aid of a preponderating power, yielding to



Until 1820, Maine was part of Massachusetts. Spain, too, was a claimant for Oregon (on weak grounds), until she gave the United States a quitclaim in the Florida treaty of 1819. The story of West Florida is told on page 243f.

American negotiators not merely the patch of ground they had vainly been asking for at the river's mouth, but the whole western half of the vast valley—which for a moment they were not sure they wanted. Jefferson had sent James Monroe as a special envoy to assist Livingston in the negotiation, but at his arrival Monroe found a great and unexpected bargain practically completed. April 30, 1803, for a paltry fifteen million dollars, the United States doubled its territory.

Jefferson hailed the news of the treaty with deep delight. A few weeks later he wrote: "Objections are raising to the Eastward [in New England] to the vast extent of our territory; and propositions are made to exchange it, or part of it, for the Floridas. *But we shall get the Floridas without*, and I would not give one inch of the waters of the Mississippi to any foreign power." With like enthusiasm the mass of the nation responded to the grand prospect of expansion opened to us. Only the little coterie of Federalist leaders, with their jealous dread of the West and South, opposed ratification of the purchase—and so proved once more that they were rightly distrusted by the American people.

f

During the contest three constitutional questions of import come up for settlement.

1. Power to acquire territory is not among the powers of Congress enumerated in the Constitution. According to the "strict construction" theory, the purchase of Louisiana was unconstitutional. Jefferson wanted an amendment to confirm the purchase. "The executive," he wrote, "in seizing the fugitive occurrence which so much advances the good of their country" have done an act beyond the Constitution. The legis-

it a small part of her immense dominions in order to preserve the rest. . . . France [mistress of Louisiana] will be to her a wall of brass, impenetrable forever to the combined efforts of England and America." Finally, a specific pledge never to alienate the province to America became part of the price which France paid—and which she at once repudiated.

lature . . . risking themselves like faithful servants, must ratify and pay for it, and [then] throw themselves on the country" for an amendment, which should be also "an act of indemnity." But he found no one among his friends willing to risk the precious prize by the delay that must go with an attempt at amendment. Such a move would imply that the purchase was not fully ratified, and meanwhile Napoleon might again change his mind. So that plan was dropped. In the debates in Congress, Republican members adopted frankly the doctrine of "implied powers." The right to acquire territory must exist, they argued, as a result (1) of the right to make treaties, and (2) of the power to make war and peace.

2. Were the inhabitants entitled to civil and political rights? New Orleans, with its neighboring settlements, had a population of 50,000. The treaty of purchase had promised that the inhabitants of the district should be "incorporated in the Union of the United States" and admitted, as soon as possible, to all the rights of citizens. The Federalists based their opposition to the treaty mainly on this provision. The admission of a new member to "the partnership of states," they urged, was not permissible "except by the consent of all the old partners." This was state sovereignty doctrine.

But the Republicans themselves hesitated to carry out the promise of statehood to a foreign population bitterly aggrieved at transfer to American rule. In the spring of 1804, Congress divided the newly acquired region into two parts. The larger northern part (almost uninhabited), styled the "District of Louisiana," was attached to Indiana Territory (page 276). The southern part was created "The Territory of New Orleans," but the government was intrusted to a governor, council, and judges (all appointed by the President), and provision was made for jury trial in capital cases only.

This was a denial of all right of self-government to a highly civilized and densely settled district. It seemed strangely out

of place at the hand of Jeffersonians, and it caused loud outcry in New Orleans. The Republicans defended the constitutionality of the Act on the ground that the guarantees in the Constitution applied only to citizens of the states, not to inhabitants of "territory belonging to the United States." In 1812, however, after another and still more furious struggle by the Federalists, "the Territory of New Orleans" came into the Union as the state of Louisiana.<sup>2</sup>

3. The treaty promised certain exemptions from tariffs to French and Spanish ships in Louisiana ports for twelve years. The Constitution requires that "all duties shall be uniform throughout the United States." Was there a conflict between these provisions?

The answer depends upon the meaning of "United States" in the clause quoted. That term, territorially, has two meanings. Today we give it commonly the larger sense in which it signifies all the land under the government of the American nation—states, Territories, and unorganized domain. But the Constitution, certainly in some places and probably in all, uses the term to signify only the territory within the states. Territory *not within a state* was not referred to as "*part* of the United States," but as "*belonging to* the United States" (Article IV). In this sense, New Orleans was not, in 1803-1810, a part of the United States. For such "territory" Congress is authorized to make "all needful rules and regulations."

Almost identical questions have arisen since, in connection with the acquisition of Florida and the Philippines. In the Florida case, the Supreme Court held that the ports of that newly acquired district were not ports of the United States,

<sup>2</sup>In futile resistance to this transfer of the political center of gravity, Josiah Quincy of Massachusetts affirmed in Congress: "I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this union are, virtually, dissolved; that the states which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must. . . ."

and that the revenue laws of the United States did not apply there unless expressly extended by Act of Congress. In the other case, the Court (by a five-to-four vote) upheld a tariff between the "insular possessions" and the rest of the "United States."

J

Jefferson had long manifested a scientific interest in "delineating the arteries of the continent." In 1783 he had urged George Rogers Clark to explore the West to the Pacific, and three years later, while in France, he had persuaded Ledyard, an American traveler, to attempt to reach the Pacific coast of America by way of Siberia and the ocean. There must be a great river, he argued, flowing from the western mountains into the Pacific, rising near the head waters of the Missouri: the explorer could ascend this stream and descend the Missouri to St. Louis.

Ledyard was turned back by suspicious Russian officials, but in 1792, Captain Gray of Boston, in his ship *Columbia*, discovered the mouth of the prophesied river, and named it for his vessel. As soon as Jefferson became President, he secured from Congress an appropriation for an exploring expedition to that country, to be led by Meriwether Lewis (Jefferson's private secretary) and Captain William Clark (a brother of George Rogers Clark). Before the expedition was ready, the purchase of Louisiana made much of the territory to be explored our own, and gave us possessions contiguous to the unoccupied and almost unclaimed Oregon district.

Lewis and Clark set out from St. Louis with thirty-five men, in the spring of 1804. Sixteen hundred miles up the Missouri, near the modern Bismarck, they wintered among the Mandan Indians. The next spring, guided by the "Bird Woman" with her papoose on her back, they continued up the river to the water shed, and followed streams down the western slope until they found a mighty river. When they reached its

mouth in November, four thousand miles from St. Louis, this river proved to be Captain Gray's Columbia. This exploration was the second basis for American claim to Oregon, and the scientific observations, maps, and journals of the expedition revealed a vast region never before known to white men—except for some ocean voyagers that had barely touched the coasts.

### THE WEST FLORIDA QUESTION

Another, but later, gain of territory was closely related to the Louisiana Purchase. Until just before 1763, "Louisiana" (under France) had included a strip of Gulf coast east of the Mississippi's mouth, from the Iberville, or eastern mouth of the Mississippi, to the Appalachicola. But in 1763, when France ceded Louisiana to Spain (page 144), England had already secured that eastern, Gulf-coast strip and was governing it as "West Florida." "Louisiana" *then* comprised only (1) the vast valley west of the Mississippi, and (2) the island of New Orleans, bounded on the east by the Iberville.

In 1783, Spain recovered both Louisiana (from France) and West Florida (from England). *But she did not reunite them.* She kept the two provinces under separate governments and under these separate names; and in 1800 she ceded back to France (as she always claimed and as France finally acknowledged) only the one she *then* called Louisiana.

Now Livingston had been originally instructed to buy West Florida. Even in his exultation at the magnificent bargain he had made, he expressed regret that he had not been able to get that smaller province also. And very soon (taking advantage of a certain vagueness regarding boundaries in the French treaty of cession to us) he urged our government to use "the favorable moment" to take possession, "even though a little force should be necessary." Jefferson seems to have approved the idea. John Randolph, then the spokesman for

the administration in Congress, declared we *had* bought the mouth of "the Mobile with its widely extended branches, and there is not now a single stream of note rising within the United States and falling into the Gulf . . . which is not entirely our own, the Appalachicola excepted."

But when France formally made the transfer of the territory (a few weeks later), the French official told Jefferson plainly that this southern part of Louisiana extended no farther east than the Island of New Orleans—or just to the Iberville. We received Louisiana with this understanding, and without protest. None the less, a few weeks later, Congress created West Florida into a United States revenue district, and annexed it to the Territory of Mississippi! This "Mobile Act," however, was never put in force. Spain's protest was too unanswerable.

Thus the matter slumbered six years. In 1808 Napoleon seized Spain, and soon the Spanish colonies in America, one by one, became independent states. In West Florida this movement was managed by Americans who had migrated across the Iberville and formed settlements between that river and the Perdido. In 1810 these settlers issued a declaration of independence, and applied to the United States for annexation. October 27, President Madison ordered the American governor at New Orleans to take military possession as far as the Perdido. Congress then by law annexed the district to the Territory of New Orleans. Madison excused this robbery of a friendly power by pretending that England might have grabbed the territory if we had not, but, unhappily, recent research proves that the whole rising had been inspired from New Orleans in accordance with instructions from Washington.

As settlement poured into the Mississippi Territory, West Florida certainly became worth far more to us than it was to Spain. It lay, a narrow strip, between us and our natural coast line. It held the mouths of our rivers and the harbors of our commerce, while to Spain it meant nothing except the

chance to limit our power. If the two countries had been individuals, Spain would have been morally bound to sell at a fair price, but any court would have defended her title, if, immorally, she insisted upon annoying her neighbor by keeping possession. Between two nations, as matters went in that day, it was inevitable that we should get the district—if not by fair bargaining, then by open force. The unfortunate thing is that the actual procedure was such a mixture of violence and deceit. In 1819 we bought East Florida, and the dispute over West Florida was closed by including that district also in the purchase treaty, as Spain demanded—though we had already been ruling it some eight years!

At this same time we surrendered to Spain what seems to have been a valid title to a larger district than the one we had seized. The boundary between French Louisiana and Spanish Mexico had never been fixed. Napoleon assured our government that Louisiana extended to the Rio Grande. If that was correct, we had bought Texas in 1803. But Spain protested that her Mexico reached as far east as the Sabine. We cared little about that disputed territory—which was of course a wilderness except for a few Spanish missions—and in the Florida treaty of 1819 we surrendered any claim we might have had beyond the Sabine.

## CHAPTER XXII

### AMERICA AND EUROPE, 1800-1823

#### AMERICA TRIFLS NEUTRALITY

IN 1803, after a brief truce, the European wars began again. Soon Napoleon was master of the continent, ruling all the coast from Denmark to Italy. England was his sole remaining antagonist. England's war navy ruled the seas (to the ruin of French commerce), but it could not keep swift French privateers from inflicting terrible losses on England's merchant shipping. This meant that commerce between European countries and the outside world had to be carried in neutral ships—and the only neutral shipping of importance was that of the United States, which fattened on its monopoly.<sup>1</sup> America then had good business reasons for maintaining its neutrality, and its rulers were influenced toward that same policy by powerful idealistic motives. And yet—though the Atlantic in that day was still six weeks wide—the United States was soon drawn into the vortex of the European conflict.

Each of the mighty European combatants wanted our trade, but each preyed upon it when it helped the enemy. Hundreds of American ships were swept into European prize courts. English "order in council" followed Napoleonic "decree," and whatever neutral shipping the one did not declare subject to capture, the other did. It is a story of outrageous robbery by both powers. If war is ever justifiable for any provocation short of armed invasion, America had abundant cause to fight

<sup>1</sup>In 1791 (the year before the wars of the French Revolution began), 550 English merchantmen entered American harbors, but ten years later that number had sunk to 100 while American ships had multiplied five-fold. Then in 1803-1804, our ships carried to Europe twice as many goods as even in 1800—and sold them at much higher prices. Flour, cotton, tobacco, in any European port, brought at least twice the cost in Boston or Charleston.

both robbers, or either, at any time between 1803 and 1810—as indeed for most of the time during the preceding ten years.

But the reasons that had kept Washington and Adams sternly determined not to be goaded into war still held good—and a new condition now made it even more difficult for our government to fight. The part of our country most directly interested—New England, whose ships were being confiscated and whose sailors were being impressed into a brutal slavery on French<sup>2</sup> and English war ships—did not want war with any one, certainly not with England, and talked freely of preferring secession from the Union. In the years 1803-1811, England seized a thousand American merchant vessels (some of them properly enough, for violating recognized international law), and Napoleon captured half as many—the greater part treacherously, after inviting them into Continental ports by special proclamation. But the ruling elements of New England were willing to submit to all this rather than lose the golden harvest they were gathering from the seas. A successful voyage reaped such huge profit that a merchant could lose one ship of every three he sent out and still “make money.”

Beyond all this, President Jefferson, as he himself said, “had a passion for peace.” Moreover, he believed, mistakenly, that we could get what we wanted without fighting. Our trade was exceedingly important to both the European rivals, and Jefferson felt that we could compel them to respect our rights by withholding trade for a time, or perhaps merely by threatening to do so.

So this trustful lover of peace and justice negotiated long with arrogant English Pitt and Canning and with insolent and treacherous French Napoleon and Talleyrand, and, negotiation proving futile, he persuaded Congress in 1807 to forbid American ships to clear for any foreign port. This law men-

<sup>2</sup> Dr. Channing's *Jeffersonian System* gives an excellent account of the French impressments.

tioned no time limit. It was not one of the customary embargoes preparatory to a war. Instead, it was designed as a substitute for war—or, perhaps one should say, as war itself in commercial form.

That disastrous embargo of 1807-1809 (the one conspicuous failure in Jefferson's career) did cause keen suffering in England, not only among working people, who found it hard to live without American foodstuffs, but also among merchants and manufacturers, who found their chief market gone. But at that early time none of these classes had any real voice in the English government. The landed aristocracy, which did control that government, felt no pinch. Indeed, the pocketbooks of this landlord class swelled with the increased price for English grain and meats, and, sternly engaged in death grapple with Napoleon, it hardened its heart to the sufferings of its countrymen.

Meanwhile the embargo was causing hardly less distress in America. Congress was assailed with loud outcry from sailors out of work, from shippers whose vessels lay idle, and from farmers whose produce rotted unsold. Public opinion made it impossible to enforce the law. In New England, especially, juries refused constantly to convict for violation of it, no matter how plain the evidence, and in the closing days of Jefferson's term it had to be repealed as a failure. Its chief results had been a brief revival of the Federalist party in New England, and a marked impulse to manufactures there.

Indeed, the New England governments had begun flatly to nullify the law. December 27, 1808, a Bath town-meeting called on the General Court of Massachusetts "to take immediate steps for relieving the people, either by themselves alone or in concert with the other commercial states." The meeting then appointed a "committee of safety . . . to correspond . . . and give immediate alarm, so that a regular meeting may be called whenever any infringement of their [Bath's] rights shall be committed by any person or persons under color and

pretence of authority derived from any officer of the United States." Other towns took similar action, and the movement spread to state governments. Governor Trumbull of Connecticut declared the Embargo Act unconstitutional; refused the request of the Secretary of War that he appoint officers to enforce it in his state; and in an address to the Connecticut legislature (February 23, 1809) placed himself on the precise ground of the Kentucky Resolutions of '99:

Whenever our national legislature is led to overleap the prescribed bounds of their constitutional powers, on the State legislatures, in great emergencies, devolves the arduous task,—it is their right, it becomes their duty,—to interpose their protecting shield between the rights and liberties of the people and the assumed power of the General government.

Finally the legislature of Massachusetts did "interpose its shield." It prescribed fine and imprisonment for officers of the Union if they should try to enforce the law in that state. Open conflict was avoided only by the repeal of the embargo.



In 1808, Jefferson had still been strong enough to secure the election of his lieutenant Madison to succeed him, by a vote of three to one. Great in peace like Jefferson, Madison was even less fitted for a war crisis. For three years he clung to one form or another of Jefferson's policy. He was a well-meaning scholar, gentle and not particularly decisive, and he was buffeted back and forth pitifully as a pawn in the game between England and Napoleon. At last he drifted despairingly into war—just when the need of war was passing away. The "Old Republicans" of Virginia still clung to a Jeffersonian peace, and the Federalists of New England and New York still clung to their trade with England. But by 1810, the West and the younger and more energetic elements of the South, wrathful at the many insults to our flag and at the impotent indecision of the government, had begun to demand that

we fight someone at once, to win back our own self-respect. Control in Congress passed to a new set of statesmen, led by Henry Clay of Kentucky and John C. Calhoun of South Carolina, and these "Young Republicans," or "War Hawks," at last brought the vacillating Madison to their side.

The choice of a foe was easily foreseen. So far as interference with our commerce was concerned, as Professor Channing has said (*Jeffersonian System*, 200), "The intention of the English government seems to have been to treat the neutral fairly, to give him ample warning, and to mitigate his losses by permitting him to seek another destination for his cargo. The French administration of the decrees was peculiarly harsh and unjust. But the English confiscated so many more neutral vessels, owing to the activity and strength of their cruisers and privateers, that the greater hostility was aroused against [them]." Moreover, in 1810 Napoleon had *promised* to repeal his "decrees"—though he did not—while England had refused to repeal her "orders" until France should actually perform the promise.

And against England, frontier America was in a state of chronic irritation for other reasons. In the Northwest, the British and American fur companies were fierce and ruthless rivals for territory and for control over Indian tribes. Rumors of bloody clashes and treacherous massacres among distant snows stirred every community that sent forth its trappers into the wilderness, and those Western settlements believed that every Indian disturbance was fomented by British agents.

Moreover, there was no desirable French property within American reach, but a war with England, apparently, offered gratifying prizes. Thirty years before, a mere handful of Kentucky militia under Clark had seized the old Northwest from English Canada, and Clay did not hesitate to promise that the far more powerful Kentucky militia of this new day

could easily complete the job by seizing the rest of Canada and driving the English flag from the continent, extending American rule indefinitely toward the Arctic Circle. How easy, too, it would be in war, thought the Southern frontier, to settle once for all the remaining Florida troubles by seizing the Floridas—since Spain, the European owner, had just revolted against Napoleon and become an ally of England.

West and South, accordingly, joined hands with the moneyed fur-trade interests in bringing pressure upon Congress, avowing only a desire to protect the commerce and the sailors of New England—while that district itself was clamoring frantically that it needed no defense but was quite satisfied with its profits as things were—and on June 18, 1812, the United States declared war on England.

Certain “economic” historians have sought recently to find the fundamental explanation of the war in “land hunger” in the West. That district, we are told, was already “filling up” (!) and its population felt a need of Canada for the formation of new agrarian states. But the plain fact is that the greater half of our own vast territory (the recent Louisiana Purchase) had not begun to receive settlers, though much more accessible from our old West than Canada could be. It was not land hunger, proper, but the imperialistic instinct for conquest, at the expense of an ancient foe, that moved the West.

It happens, curiously enough, that the excuse for war was rapidly passing away. England had finally apologized for the *Chesapeake-Leopard* outrage, and for many months had been showing an increasingly conciliatory attitude on commercial matters. Indeed, on June 16, two days *before* our declaration of war, her government repealed absolutely her “orders” against neutral shipping. If there had been an Atlantic cable in that day, the war would not have come.

## THE WAR OF 1812

When urging war, Clay had exclaimed in Congress, "I am not for stopping at Quebec, but I would take the whole continent." If the United States had waged war vigorously, some such result might have followed. Canada had a small population, and England (every energy strained for the final campaigns of her twenty-year war in Europe) could spare few troops for America.

But the United States as a whole showed amazing indifference, and New England persisted in looking upon the struggle as "Mr. Madison's War." A rich nation of eight million people could have put 300,000 men into the field (at the ratio of Northern effort in 1865), but at no time (not even when our territory was invaded) did we have one tenth that number for effective service—despite lavish bounties offered by our government. Finances were even more discouraging. The states were delinquent in collecting a direct tax imposed by Congress, and when the government tried to borrow, its bonds had to be sold at a ruinous discount, so that a total issue of 80 millions brought only 34 millions cash. The debt mounted frightfully (from 45 millions to 127 millions) and toward the close, the treasury was practically bankrupt. In a few weeks more this condition would probably have forced the United States to sue for peace.

The early military events were badly managed. The American officers in high command at the beginning of the war were old men, utterly unfitted for the task before them, while the British commanders in Canada chanced to be unusually capable soldiers. In the early campaigns, too, the American militia distrusted its incapable officers and behaved badly on several occasions. English troops captured all the Northwest posts, and came to control much of Michigan and Indiana Territory and part of the coast of Maine.

But late in 1813 and in 1814—just when England began to be freed from the pressure in Europe by the defeat of Napoleon—there came to the front efficient American officers like William Henry Harrison and Andrew Jackson, who had been trained in Indian fighting in the West, and we regained most of our northern frontier in a series of creditable engagements—Perry's splendid victory on Lake Erie (September, 1813) Harrison's Battle of the Thames (October), and Lundy's Lane (July, 1814), while MacDonough's victory on Lake Champlain over twice his force (in September, 1814) made it impossible for the British army to renew the invasion that year. And January 8, 1815, two weeks after peace had been signed at Ghent but five weeks before that fact was known at Washington, Andrew Jackson, with four thousand Western riflemen, lying behind cotton bales at New Orleans, beat off a stubborn attack of five thousand English veterans from Wellington's army in Spain that had victoriously withstood Napoleon's best soldiers.

On sea, America did win renown. True, England had a thousand warships, two hundred of them larger than any one of our seventeen vessels, and, before the end of the war, every American warship was sunk or blocked up in harbor. But, meantime, in numerous ship duels between well-matched antagonists, the Americans had amazed the world by a series of remarkable victories, and, at last, won even from Englishmen the reluctant admission that, ship for ship and gun for gun, we outsailed and outfought them on their chosen element. England lost only thirteen ships, but there was less talk thereafter of Americans as "degenerate Englishmen." The American victories, as Henry Adams said, "had little to do with England's power but much to do with her manners." Moreover, the swarms of American privateers did seriously injure England's merchant shipping, snatching many prizes even in English waters—so that marine insurance rates rose higher than in any of England's earlier wars.



A shameful feature of the struggle was the attitude of New England toward the Union. During the first two years, New England's opposition to the war, had four main phases.

1. By unlawful and treasonable, but highly profitable, trade, New England merchants and farmers fed the British army in Canada. At one time the British commander there wrote to his home government: "Two thirds of the army are at this moment eating beef provided by American contractors."

2. New England banks held nearly half of all the specie in the country, but that section of the country took only one twelfth the issue of national bonds.

3. New England Representatives in Congress, with the full approval of their constituents, used every effort to defeat all bills for filling the ranks of the depleted army. When a bill was under consideration to permit minors over eighteen to enlist, Quincy of Massachusetts exclaimed: "It must never be forgotten . . . that these United States form a political association of independent sovereignties. . . . Pass this bill, and if the legislatures of the injured States do not come down on your recruiting officers with the old laws against kidnapping and man stealing, they are false to themselves . . . and their country." And on December 9, 1814, Daniel Webster (later the champion of nationalism) delivered the same sort of nullification doctrine in a long speech.

4. The militia refused to obey the call of the President. In 1812, Madison, as authorized by Congress, called on the state governors to order out the militia to repel expected invasion of their own coasts. The governor of Massachusetts declared that neither invasion nor insurrection existed (Constitution, Art. I, sec. 8), and the Supreme Court of the state assured him that it belonged to him, rather than to President and Congress, to decide whether the summons was constitutional.

Acting on that same principle, Vermont then recalled <sup>o</sup> be militia from the service of the United States! <sup>ew</sup>

Then in the final year of the war, just when the defeat <sup>at</sup> Napoleon made it possible for England to take vigorous action against America, the New England Federalists entered, some of them, on a definite movement for secession. The first step was to have town meetings petition the Massachusetts government to secure a separate peace with England for that state, and the town resolutions took a tone more seditious even than the anti-embargo meetings of four years earlier.

As early as June 29, 1812, a Gloucester meeting voted: "If a destruction of our commerce and fisheries are the terms on which a confederation of the States (!) is to be supported, the Union will be to us a thread, and the sooner it is severed, the better. . . . We view the salvation of our country as placed in the hands of the commercial states, and to them we pledge our lives, our fortunes, and everything we hold dear in time." In January, 1813, an Essex County address to the Massachusetts legislature ran: "We remember the resistance of our fathers to oppressions which dwindle into insignificance compared to those we are called on to endure [at the hands of the United States government, this means] . . . and we pledge to you . . . our lives and property in support of whatever measure the dignities and liberties of this free, sovereign, and independent State may seem to your wisdom to demand." Another typical address (from a meeting at Amherst, over which Noah Webster presided) pledged to the Massachusetts legislature the support of the town in any measures the legislature might adopt to restore peace with England, "either alone or in conjunction with the neighboring states."

In 1814, in response to such addresses, a newly elected Massachusetts legislature called a convention of the New England states, to meet at Hartford, and appointed delegates. Connecticut and Rhode Island joined the movement, and New

mpshire and Vermont were represented at the meeting in regular fashion, by delegates chosen in country meetings.

Extreme Federalist leaders made no secret of their hope that the Convention would form a new confederacy of northern states. Gouverneur Morris wrote exultantly to a member of Congress: "I care nothing more for your actings and doings. Your decrees of conscriptions and your levy of contributions are alike indifferent to one whose eyes are fixed on a star in the East, which he believes to be the dayspring of freedom and glory. The 'traitors and madmen' assembled at Hartford will, I believe, if not too tame and timid, be hailed hereafter as the patriots and sages of their day."

Pickering (who had been Secretary of War under both Washington and Adams) wrote with equal delight: "I do not expect to see a single representative from the Eastern States in the next Congress." He even advised the Massachusetts government to seize the federal custom-houses and revenues within her borders at once, and prepare for her own defense against either England or the United States. The *Boston Centinel* (September 12) declared that the old Union was practically dissolved, and, November 9, it announced that the second and the third "pillars of a new Federal Edifice" had been reared,—referring to the fact that Connecticut and Rhode Island had followed Massachusetts in choosing delegates to the Hartford Convention.

The Hartford Convention met December 15, 1814, and remained in session one month. It talked state sovereignty and nullification. As an ultimatum, it demanded amendments to the Constitution (which would have rendered the government impotent in a crisis) and the immediate surrender to the states of control over their own troops and taxes (which would have been a virtual dissolution of union). All its words and acts pointed to secession, but it did not take up the matter of actual

separation. Instead, it provided for a new convention, to be held a little later, and adjourned to give time for the New England states to negotiate further with the government at Washington.

Then the unexpected announcement of peace brought the whole movement to an ignominious collapse. The new spirit of nationalism, which at once swept over the country, buried the Federalist party and drove the old New England leaders from public life. The rest of their years they spent in explaining to an indifferently contemptuous world that they had not meant anything anyway.

### THE PEACE OF GHENT

American and English negotiators had opened their discussions for terms of peace early in the summer of 1814 at Ghent. At that time England still held much the better military position in America, besides having just got her hands free in Europe. She felt quite justified, therefore, in demanding that the United States cede to her a large section of territory in the Northwest, along perhaps with other important concessions.

Before the treaty was signed, to be sure, events in America had changed the military situation, but after all the Peace of Ghent was essentially a *diplomatic* victory. All English diplomats of high standing were gathered at Vienna, along with all other leading European statesmen, engaged in making a new map of Europe after Napoleon's fall; and so England made the mistake of sending only third-rate representatives to Ghent. The American negotiators, on the other hand (Gallatin, John Quincy Adams, and Clay), were quite the equals of any statesmen in the world and far more superior to their antagonists than the English army had at any time been to the American.

The treaty did little more than declare that the two countries had agreed to stop fighting and that their boundaries

were to be restored as before the war; but the return of peace in Europe had removed the occasion for trouble. The old disputes were not to arise again for a hundred years—until the World War of 1914-1918.



The war originated in blunder. It cost two hundred millions of dollars and thirty thousand lives—besides the incalculable waste and agony that go with war. It was conducted discreditably. And it was ended without mention of the questions that caused it. Still it did give a new impulse to nationalism and to Americanism. For a while there had seemed serious danger that American frontiers might be curtailed. All the more buoyantly, the spirits of the people rebounded into extravagant self-confidence at the boast—"Not an inch of territory ceded or lost!" The popular imagination forgot shames and failures, and found material for self-glorification even in the campaigns. Once more we had "whipped England."

In the following decades this exuberant Americanism (as we shall see) was to be a mighty factor in the eager occupation of wild territory; in attempts to extend that territory; in warning Europe to keep hands off this hemisphere; and in the growth of a new and truly American literature. Still more immediate was the effect upon politics. The Federalist party disappeared wholly and finally, and for many years the Republican party was the only political organization. Madison had been reëlected in 1812, just after the war began, by a rather close vote, but James Monroe, his Secretary of State, was twice elected President (1816 and 1820) with almost no opposition. The Republican party after the war, however, was a very different party from the old party of Jefferson and Madison. It openly adopted "loose construction" and passed national bank laws, protective tariffs, and various other measures at the mere mention of which the "Old Republicans" had shuddered.

## FOREIGN RELATIONS FROM 1815 TO 1823

From Waterloo to the Crimean War (1815-1854), Europe had no general war. This made it easier for the United States to withdraw from European entanglements. During the first few years, however, there were four matters of importance in our foreign relations. Three of them were concerned mainly with boundary questions.

1. One of England's demands at Ghent had been the right to maintain war vessels on the Great Lakes. That meant, of course, that the United States would do the same thing—and constant occasion for war would follow. The Treaty finally referred this matter to a mixed commission for study and report. Then in 1817, on the basis of such consideration, the two nations adopted a Convention agreeing that neither should keep armed vessels there—except revenue cutters. This humane and sensible arrangement is the nearest approach to disarmament yet reached by international agreement. For the century since, in striking contrast to the constant threat of all European frontiers with their frowning fortresses crowded with hostile-minded soldiery, Canada and the United States have smiled in constant friendliness across the peaceful waters that unite our lands.

2. The Treaty of 1783 had drawn our northern boundary from the Lake of the Woods "due west" to the Mississippi. But Pike's exploration<sup>8</sup> had made clear that the Mississippi rose almost "due south" of that lake. Moreover, the line between British America and the Louisiana Province had never been determined (map facing page 419). The Treaty of Ghent referred these matters also to inquiry by a mixed

<sup>8</sup> In 1805, Jefferson had, for a second time, made part of the small army useful in the interest of scientific exploration: Lieutenant Zebulon Pike, with a small company, traced the Mississippi from St. Louis to its source, and afterward explored the headwaters of the Arkansas and Red rivers (map on page 418).

commission, and the "Convention of 1818" between England and the United States fixed the boundary at the 49th parallel from the Lake of the Woods to the "Stony Mountains."

3. More difficult to settle was a dispute over territory *west* of those mountains. Between Spanish California and Russian Alaska lay an immense and undefined district known as the "Oregon Country," claimed by both Spain and Russia, though neither had ever attempted to settle or explore it. England had more serious claims. Like Spain and Russia—and the United States—she had territory adjacent to this "no man's land"; and, like the United States at that time, she could get an opening to the Pacific from her inland territory only through Oregon. She had also other claims, similar to ours. To say nothing of the ancient voyages of her Drake and Captain Cook (the first navigators of any nation to touch that coast), Vancouver had explored the coast carefully in 1792—nearly a year before the American Captain Gray had sailed into the mouth of the Columbia. The year following, Alexander McKenzie reached the region overland from Canada and set up trading posts for the Hudson Bay Company.

Ten years later came the scientific exploration of Lewis and Clark for the United States. Then in 1811, John Jacob Astor founded Astoria as a trading post for his American Fur Company. During the War of 1812, Hudson Bay officers captured Astoria. America and England, plainly, were the serious claimants for Oregon, and each demanded the whole district. The Convention of 1818 postponed settlement of the troublesome question by agreeing that the region should be open to joint occupation for ten years (pages 418, 461).

The fourth matter had to do with more than our own boundaries. In 1821-23, two new perils called forth from the Monroe administration the proclamation of a new policy, "America for Americans."

The first peril concerned a direct defiance of both the

United States and England by Russia. In 1821 (in utter disregard of the Anglo-American Convention of 1818) the Tsar forbade citizens of any power but Russia even to approach within a hundred miles of the Pacific coast, on the American side, north of the 51st parallel. Russia had no settlements within hundreds of miles of that line, and this proclamation was practically an attempt to reserve American territory for future Russian colonization. Moreover it would have turned the Bering Sea, with its invaluable fisheries, into a Russian lake, absolutely closed to all other peoples. This idea was peculiarly abhorrent, both because of Russia's exclusive commercial policy (typified in the proclamation), and because the Tsar was the head of the despotic "Holy Alliance," which at that time was planning to extend its political system to South America and Mexico.

That plan was itself the second peril. In 1821 the United States recognized the independence of the revolted Spanish American states (page 424) and appointed diplomatic agents to their governments. England had done likewise, and both England and the United States were enjoying profitable trade with the South American countries, such as had not been possible when they were under Spanish rule. But the "league of despots" in Europe, known as the Holy Alliance (the absolutist rulers of Russia, Austria, Prussia, and France), having crushed an attempt at a republic in Spain itself, now planned to reduce the former American colonies of Spain to their old subjection.

England stood forth in determined opposition. Canning, the English Secretary for Foreign Affairs, made four separate friendly suggestions to our minister in England that the two English-speaking powers join hands to forbid the project. President Monroe (and his unofficial advisers, Madison and Jefferson <sup>4</sup>) wished to accept this offer for allied action, but

<sup>4</sup> Jefferson thought the matter "the most momentous since the Declaration of Independence." England's mighty weight—the only real peril to an

John Quincy Adams, son of John Adams and at that moment Secretary of State, insisted strenuously that the United States must "not come in as a cockboat in the wake of the British man-of-war," and finally he carried the Cabinet and President with him in his plan for independent action along the proposed English line.

Canning acted first, and, in his proud boast, "called the New World into existence, to redress the balance of the Old." His firm statement that England would resist the proposed attack upon the revolted American states put an abrupt close to the idea of European intervention. The declaration of policy in the United States came later, but it has had a greater permanent significance. In his message to Congress, December 2, 1823, Monroe adopted certain paragraphs on this matter, written by Adams, stating the following principles:

(1) With special reference to Russia and Oregon,—“the American continents . . . are henceforth not to be considered as subjects for future colonization by any European powers.” (2) With regard to the proposed “intervention” by the Holy Alliance,—“the political system of the allied powers is essentially different from that of America. . . . We owe it . . . to those amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. . . . With the existing colonies . . . of any European power we . . . shall not interfere. But with the Governments . . . whose independence we have . . . acknowledged, we could not view any interposition, for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States.”

In justification of this position, the message proclaimed also that we intended not to meddle with European affairs. We independent American system—could now be brought to the side of freedom, and the fact would “emancipate the continent at a stroke.” This result was attained, in the end, by separate action by the two countries.

claimed primacy on this hemisphere; we would protect our weaker neighbors from European intrusion or molestation; but we would leave the Old World without interference from us.

The thought of the message was not novel. Part of it is found in Washington's utterances, and the best of it had been stated repeatedly by Jefferson. But this practical application gave it new significance. England hailed it as making absolutely secure her own policy of preventing European intervention in America. The Tsar agreed to move north 250 miles, and to accept the line of  $54^{\circ} 40'$  for the southern boundary of Russian Alaska.

The "Monroe Doctrine" had been announced merely as an expression of opinion by the President. No other branch of the government was asked even to express approval, but the cordial response of the nation, then and on later occasions, did in effect make it "the American Doctrine." The chief danger to it in recent times arises from a too common dread among our weaker neighbors that we plan to use its high morality as a shield, under cover of which we ourselves may plunder them at will.



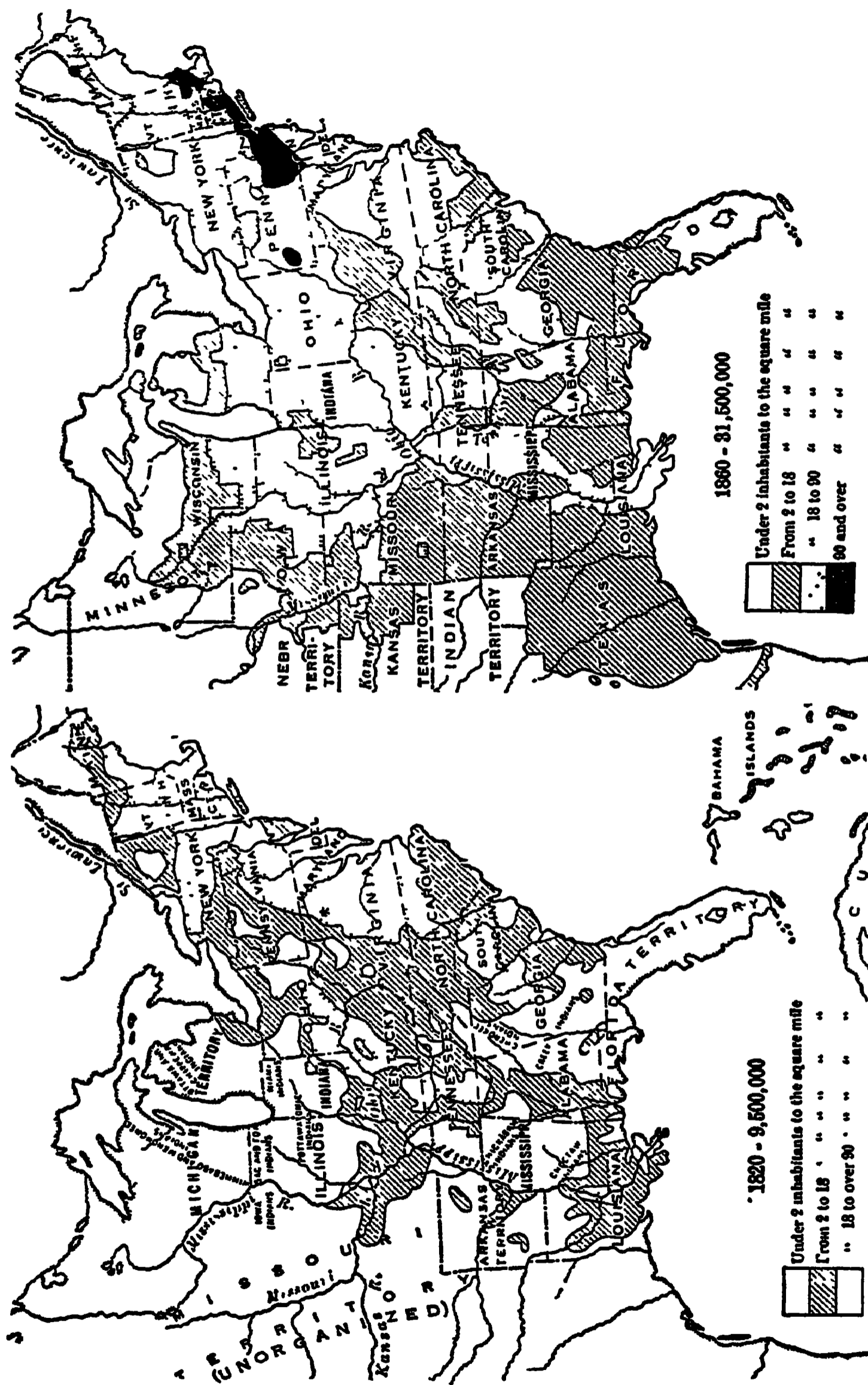
## Part Seven

# A New Americanism and a New Democracy 1815-1840

*All the Past we leave behind;  
We debouch upon a newer, mightier world, varied world;  
Fresh and strong the world we seize—world of labor  
and the march—*

*Pioneers! O Pioneers!*

—WALT WHITMAN.



Density and Distribution of Population in 1820 and 1860. The quarter of a million people on the Pacific slope by 1860 could not conveniently be taken into account in this map.

## CHAPTER XXIII

### THE WESTWARD MARCH AFTER THE WAR

FROM 1815 TO 1830

IN 1800, we have seen, the West had a half-million people. Without new immigrants, that number might have increased by 1820 to a million. But actually by 1820 the population of the West had become two and a half millions, because a million and a half of Easterners had moved west in those twenty years—most of them near the close of the period. The West now had a full quarter of the total population—instead of a mere tenth as in 1800. (By 1830 it had a third of the total population, and by 1840 almost half.)

Until 1840, this Western growth was due in only small degree to European immigration. From the Revolution until after 1815, Europe sent us only four or five thousand immigrants a year, and most of these remained near the seaboard. In 1817, to be sure, the number of foreign immigrants rose at a bound to 22,000, but the ten years 1820-1830 brought only 200,000, and the census of 1830 found only 10,000 of them west of the Appalachians.

From 1815 to 1821, more than ever before, the westward stream was due to industrial depression in the seaboard districts. With the return of peace in Europe, New England shipping had lost permanently its monopoly of the world's carrying trade. To be sure, it had really lost that during the embargo and the war, but its capital and labor had found employment easily during those years in building up new factories to supply the manufactured goods we could no longer get from Europe. Now these factories had to cut wages

and often to close down, because of a ruinous foreign competition. English warehouses were heavily overstocked with goods for which there had long been no market, and the English merchants "dumped" them on the American trade. By 1819 the United States was in the grip of another "panic."

The Old South was little better off. For a generation before the war, the great planters had been declining in wealth. Neither Washington nor Jefferson had been able in their later years to make their plantations really pay so as to support the planter style of living. Constant tobacco culture wore out the land, so that it produced smaller and smaller crops, and on nearly all Virginia plantations the slaves increased faster than the work. The planters were "slave poor." Then the six years of embargo and war completed the ruin of their class. Madison and Monroe were both in reduced circumstances before their deaths, and in 1829, Jefferson's beautiful home, Monticello, with two hundred acres of land, sold for \$2,500. So hard times in the East pointed men's attention to the free land in the West. The "Ohio fever" became an epidemic. "Old America seems to be breaking up and moving westward," wrote Morris Birkbeck in 1817.



There was a new supply of free land for the new home seekers. The war had extinguished Indian title to vast tracts never before open to settlement. In the long run, indeed, the Indian campaigns proved the most important part of the War of 1812. Just before that war, Tecumtha, a remarkable organizer and a hopeful Indian patriot, had united all the tribes of the Northwest into a formidable confederacy to resist white advance. General Harrison attacked and defeated Tecumtha's forces at Tippecanoe, a tributary of the Wabash River, while that chieftain himself was absent among the Southern Indians. In 1812 the struggle merged in the larger

war. The Battle of the Thames takes its chief importance from the death there of Tecumtha, and the Battle of Horseshoe Bend (in the winter of 1814), where Andrew Jackson crushed the Southern Indians, meant far more for American development than his victory at New Orleans. Treaties with the conquered Indians opened to white settlement much of Georgia, most of Alabama and Mississippi, all of Missouri, and half of Indiana, Illinois, and Michigan. (East of the Mississippi there were to be no more Indian wars except the brief Black Hawk War in the Northwest and the longer desperate Seminole rising in the South—both in the thirties and both caused by the decision of the government to remove Indian tribes from east of the Mississippi into the new “Indian Territory,” afterward to become Oklahoma.)

A more generous policy in regard to the Public Domain made it easier, also, for settlers to secure homes. East and West long contended as to how the public lands should be sold. The ruling classes in the East (especially in the Northeast) favored opening lands slowly, and even closing them entirely at times. The East also preferred selling them, when sold at all, for as high a price as possible, so as to get revenue from them that might replace all national taxation, besides perhaps establishing vast endowments for educational and other beneficent purposes. The West gave slight attention to these dreams of future good. It wished the lands to promote rapid settlement—to be a source of new homes at once rather than of high revenue in some dim future. It wanted to put the price low (or even to give the land to actual settlers); to sell in small lots; and to protect settlers, even squatters, against the claims of Eastern speculators. By 1820 the Western vote in Congress had become important, and, with much generous aid from the old South and from the organized workingmen of the North it then began to put through its program.

The credit system of land sales (page 414) had not worked well. Optimistic pioneers had bought large amounts of land with all their ready cash, and then found themselves unable to make the later payments. In 1820 Congress abolished the plan, and began to offer 80-acre lots at \$1.25 an acre, so that a hundred dollars would secure full title to a farm. But public lands were still sold at auction, and only at certain times. So pioneers, who had "squatted" on farms and begun to make improvements, were often outbid at the sales by wealthy speculators—and so lost their labor and their improvements. By 1820 the West had begun to demand a pre-emption law—to permit such a settler to file his claim *in advance* at a federal land office, and then bid it in at the minimum price when a sale took place. Eastern opposition, however, kept this plan from adoption for twenty years more.

In the meantime, lacking such a law, the settlers in the West, with the frontier instinct for rough justice even at the expense of legal forms, learned to band themselves together into Settlers' Associations to protect "squatters' rights" at the sales. The procedure was often dramatic. The Association "Captain" sat on the rude platform beside the auctioneer—a list of settlers' claims in hand and revolver in belt, with his stalwart associates, armed, in the company about. When a piece was put up on which a squatter had made improvements, the Captain spoke the word "Settled"—which was notice to outsiders that the settler must be permitted to bid it in at the minimum price without competition.

An incident of such a sale in Illinois in the thirties has been described to the writer by an eye-witness who stood, a boy, on the outskirts of the little crowd. The Captain was John Campbell, a black-browed Presbyterian Scot, standing six feet four. In one case an Eastern bidder failed to hear, or to respect, the gruff "Settled," and made a higher bid. With a bound from the platform, Campbell seized the offender by the

waist, lifted him into the air, hurled him to the ground, and, foot on the prostrate form and cocked revolver in hand, asked significantly,—“Did we hear you speak?” Protestations of misunderstanding and earnest disclaimers followed from the frightened man. Bending forward, Campbell set him, none too gently, on his feet, admonished him gruffly, “See that it doesn’t happen again,” and returned, in unruffled dignity, to the platform, where the government official had been quietly waiting. The land was then knocked down to the squatter at the minimum price, and the sale proceeded decorously.



Soon after the war, too, new means of travel made it easier for home-seekers to reach the West. Only twenty miles of the National Road (page 412) were completed at the close of the war, but in 1816 that enterprise received an appropriation of \$300,000, followed by others as fast as they could be used. By 1820, at a cost of a million and a half—about \$14,000 to a mile—it reached Wheeling, on the upper Ohio waters.<sup>1</sup> From the first, it filled a popular demand. “We are seldom out of sight, as we travel this grand track toward the Ohio,” wrote Morris Birkbeck in 1817 (himself an immigrant home-seeker), “of family groups behind or before us.”

After 1820, the Ohio could be reached from the East by three main routes: (1) this National Road to Wheeling; (2) a northern road through Pennsylvania from Philadelphia to

<sup>1</sup> This part of the National Road, connecting the Atlantic waterways with the water roads of the Mississippi valley, followed an ancient Indian trail. From Wheeling, at a total cost of nearly seven millions (carried by thirty-four appropriations from Congress), the road was afterward pushed on to Columbus, Indianapolis, and finally to Vandalia (then capital of Illinois). From the lower waters of the Potomac almost to the Mississippi, crossing six states, this noble highway with its white milestones spanned the continent in a long band, bridging streams on magnificent stone arches, and cutting through lines of hills on easy grades. The eastern part was formed of crushed stone on a thoroughly prepared foundation; the western portion was more roughly macadamized. In 1856 (after railroads had superseded wagon roads in importance), Congress turned the road over to the various states in which it lay.

Pittsburgh; and (3) the old Wilderness Road into Kentucky, now improved into a rough wagon road.<sup>2</sup>

When the traveler once reached the Ohio, his remaining problems were solved by the steamboat (page 414f.). In 1815 *The Enterprise* was launched on the upper Ohio, and made the first round trip to the Gulf. In 1818 *Walk-in-the-Water* was launched on Lake Erie. Two years later, sixty steamers plied on the Ohio and Mississippi, and others were finding their way up the muddy waters of the Missouri, between herds of grazing buffalo. It now took only five days to go from St. Louis to New Orleans, and two weeks to return.

A steamboat could be built anywhere on the banks of a river, out of timber sawed on the spot. At first, engine and boilers had to be transported from the East, but soon they began to be manufactured at Pittsburgh, whence they could be shipped by water. The woods on the banks supplied fuel. Some of the vessels were "floating palaces" for that day—"fairy structures of Oriental gorgeousness and splendor," exclaims one exultant Westerner—"rushing down the Mississippi as on the wings of the wind, or plowing up between the forests and walking against the mighty current as things of life; bearing speculators, merchants, dandies, fine ladies . . . with pianos, novels, cards, dice, and flirting, and love-making, and drinking; and, on the deck, three hundred fellows, perhaps, who have seen alligators and fear neither gunpowder nor whisky."

Flatboats and rafts still swarmed out upon the great rivers from every tributary, and made a somber contrast to this picture. A flatboat was manned by a crew of six to twelve men. A journey from Louisville to New Orleans took six months. Many boats did not go so far. Whenever the cargo was sold out, the boat itself was broken up and sold for

<sup>2</sup> There was also the Genessee Route, not to the Ohio, but to the Great Lake region (from Albany to Buffalo), following the ancient Indian trail afterward to be adopted for the route of the Erie Canal.

lumber; and the crew returned home by steamer—instead of on foot as in 1800. In 1830 a traveler on the Mississippi saw ten or twelve such boats at every village he passed. Flat-boatmen, raftsmen, and the deckhands of the great steamers made, as Dr. Turner says, “a turbulent and reckless population, living on the country through which they passed, fighting and drinking in true ‘half-horse, half-alligator’ style.”

The routes so far noted all made use of the Ohio for their westward extension. Besides them, there was now a new land route to the Southwest. After Jackson broke the power of the Southern Indians, peaceful travel became possible around the southern reaches of the Appalachians. Here moved many planters, who were abandoning their worn-out tobacco lands in Virginia and North Carolina to establish stately homes in the cotton belt, or “black belt”—a broad sweep of black alluvial soil running through Georgia, Alabama, and Mississippi, between the sandy coast regions and the pine barrens of the foothills. Dr. Turner (*The New West*) has pictured the contrast between the two migrations—into Northwest and Southwest: “here, the pioneer farmer, with family and household goods in one canvas-covered wagon; there, the aristocratic, gloved planter, in family carriage, attended by servants, packs of hunting dogs, and a caravan of slaves, their nightly camp fires lighting up the wilderness.” In 1801 only one million pounds of cotton were raised west of the mountains: in 1826, 150 million pounds. No other class of men in America piled up fortunes so rapidly in those years as did the planters of this new “Lower South.” Very soon, too, this new aristocracy of the black belt took to itself the leadership in Southern politics that had been held so long by Virginia.



The movement of population that produced the rapid growth of the “New West” through the period 1815-1830 had never

had a parallel in human history. Between the admission of Ohio and that of Louisiana there had been an interval of ten years (1802-1812). Now in six years six states came in: Indiana, in 1816; Mississippi, 1817; Illinois, 1818; Alabama, 1819; Maine, 1820; and Missouri, 1821. During the next decade the West more than doubled its population, while Massachusetts and Virginia remained almost stationary. Ohio in 1830 had a million people—more than Massachusetts and Connecticut together. The center of population in 1830 was 125 miles west of Baltimore, and the Mississippi valley contained more than three and a half millions of our total population of thirteen millions, while a million more, in the back districts of the older states, really belonged to this Western movement.

Until 1830, most of the immigration to the West (Northwest or Southwest) came from the old South—especially from Virginia.<sup>3</sup> The legislature of Illinois in 1833 (according to Dr. Turner) contained 58 members born in the South, 19 born in the old Middle states, and only 4 others. As late as 1850, two-thirds of the people of Indiana were of Southern descent. All the "Hoosiers" came originally from North Carolina.

Virginia's earliest immigration to the Lower South, like that to Kentucky in still earlier days, went mainly from her yeoman class—without slaves or with only one or two to a family. But the growing stream of planters, who soon followed these small farmers, pushed them back from the fat lands of the cotton belt to the foothills and pine barrens. In those districts of the Lower South, as in the old South and in Kentucky and western Pennsylvania, small farmers continued to make the bulk of the population, raising not cotton or tobacco mainly, but grain and livestock.

<sup>3</sup> This emigration drained the prosperity of the old South. In 1850, Dr. Channing tells us, "there were 388,059 persons from Virginia in other states," while less than a fifth that many of the people then living in Virginia had come from outside! The Carolinas suffered in a like way. Other Eastern states received about as many immigrants as they sent out.

And Virginia's yeomen emigrants soon abandoned the new cotton-belt route to the Lower South—where they found it impossible to compete on equal terms with the planters—in favor of the old route into Kentucky by the Wilderness Road. Part of this restless colonization, too, passed on quickly still farther, across the Ohio into southern Indiana and Illinois, or across the Mississippi into Missouri; while still another part drifted southward from Kentucky, through Tennessee, down the bank of the Mississippi, to meet their brothers who had been migrating around the Appalachians and up the Mississippi valley.

This double movement through Kentucky (as Dr. Turner reminds us), with other characteristic features of Western life, is illustrated by the families of Abraham Lincoln and Jefferson Davis. The two boys were born near one another in Kentucky in 1809 and 1808. The Davis family soon moved on to Louisiana and then to Mississippi, had its part under Jackson in the War of 1812, and became typical planters of the black belt. In 1810, Thomas Lincoln, a rather shiftless carpenter, rafted his family across the Ohio, with his kit of tools and several hundred gallons of whisky, to settle in southern Indiana. For a year the family shelter was a "three-faced camp" (a shed of poles open on one side except for hanging skins or canvas), and for some years more the home was a one-room log cabin without floor or window. As in most houses of the kind, the floor, when it came, was made of logs split in halves and laid with backs down (a "puncheon" floor). When Abraham Lincoln was a raw-boned youth of six feet four, with blue shinbones showing between the tops of his socks and the bottom of his trousers, the family moved again, to Illinois, and Abraham, now twenty-one, after clearing a piece of land for his father, set up for himself. He had had very few weeks of schooling, but he had been fond of practicing himself in speaking and writing clearly

and forcefully, and he knew well five or six good books—the only books of any sort that had chanced in his way. (After this date, he walked six miles and back one evening, it is said, to borrow an English grammar, and was overjoyed at finding it.) He was scrupulously honest and fair in all dealings, and intellectually honest with himself. He was also champion wrestler among the neighborhood bullies. He made a flatboat voyage to New Orleans—where his blood was made to boil by the sight of a negro girl auctioned off in a slave-market; clerked in a country store, where he was the best story-teller among the loose-mouthed loafers who gathered about him; studied law, and went into politics—finally to meet his childhood neighbor, Jefferson Davis, in new relations.



For a time it was expected that the government would build other great lines of communication, as suggested by Jefferson and Gallatin (page 412f.). The military need for good roads had been felt keenly during the war—when at critical times it had been almost impossible to move troops or supplies. The Westerners, too, were clamoring for more national aid, and their votes in Congress were gaining weight. Moreover, at the peace (with the renewal of the import trade) the national revenues became abundant. In 1815 they rose at a bound from 11 to 47 millions of dollars. Madison's administration now abandoned the old Jeffersonian policy of keeping down the army and navy, and in 1816 raised its estimate of annual expenditure to 27 millions; but, even so, a large surplus was piling up in the treasury. The message to Congress in December, 1816, renewed Jefferson's suggestion for a Constitutional amendment to permit the use of this surplus on a "comprehensive system of roads and canals . . . such as will have the effect of drawing more closely together every part of our country" and of increasing "the share of every part in the common stock of national prosperity."

Congress ignored the suggestion for amendment (as in the case of the similar recommendations from Jefferson, earlier), but readily offered funds for immediate use. The charter of the first National Bank had expired in 1811, and Republican opposition (led by Clay) had prevented a renewal. But in 1816, the new nationalism (and the experiences of the war) disregarded former scruples. An act for a new National Bank, championed especially by Calhoun and Clay, had received almost a unanimous vote and had been approved by Madison. One provision of the bill gave the government a "bonus" of \$1,500,000 (for special privileges in the charter), besides certain shares in future dividends. Now Calhoun's "Bonus Bill" sought to pledge these funds to the construction of roads and canals. Calhoun urged the measure on broad grounds, finding sanction for it even in the "general welfare" clause:

Let it never be forgotten that [the extent of our republic] exposes us to the greatest of all calamities, next to the loss of liberty itself (and even to that, in its consequences),—disunion. We are greatly and rapidly—I was about to say, fearfully—growing. This is our pride and our danger; our weakness and our strength. . . . We are under the most imperious obligation to counteract every tendency to disunion. . . . If we permit a low, sordid, selfish sectional spirit to take possession of this House, this happy scene will vanish. We will divide; and, in consequence, will follow misery and despotism. Let us conquer space. . . . The mails and the press are the nerves of the body politic.

But, to the savage disappointment of the young Republicans, Madison vetoed the Bonus Bill in a message that returned to the Jeffersonian doctrine of strict construction. He expressed sympathy with the purpose of the Act, but insisted that a Constitutional amendment must first be secured. The next year, under President Monroe, Congress renewed its effort for national aid to roads. But Monroe, in his inaugural and in his one veto, took Madison's ground. The enraged Con-

gress retorted with bitter resolutions condemning the President's position, but it did not venture to challenge more vetoes or to make trial of the dubious process of Constitutional amendment.



There remained, however, the possibility of state action, and by such agency there was next built a new water road to the Northwest—of mightier import than any preceding route. Thinkers had long discussed the possibility of water communication through American territory from the Atlantic to the Great Lakes—by way of the Hudson and a canal along the Mohawk valley. Gallatin's "Report of 1808" had included such a canal, and one had been planned in the bills of 1816 and 1817, vetoed so unexpectedly by Madison and Monroe. DeWitt Clinton, governor of New York, now persuaded the state to take up the work, and in 1825, after eight years of splendid effort, the Erie Canal was completed—three hundred miles in length from Albany to Buffalo.

DeWitt Clinton had been jeered as a dreamer of dreams; and, in truth, the engineering difficulties for that day, and the cost for the state, meant more effort than did the Panama Canal to the United States a century later. Densely settled England was thought of as a land of canals, but English canals ran through a flat country, and so needed few and small "locks." The Erie Canal, forty feet wide, was longer than all England's canals set end to end! It had to be built through a wilderness country of forest and swamp! And it had to have eighty-one locks to overcome a grade of seven hundred feet! Moreover, at first there were no tools fit for such work—nothing but picks and shovels and wheelbarrows. But the need stirred the imagination of American inventors, and, before the end, a whole new class of machinery (plows, scrapers, windlasses) made the enormous task possible.

The cost proved appalling—much higher than any esti-

mates. But cost and upkeep were met from the first by the tolls, while the added prosperity to the state outran even Clinton's enthusiastic hope. Little Buffalo became the main station for the vast fur trade that previously had gone to Europe through Canadian ports, by way of the St. Lawrence. Farm produce in the western counties doubled in value; land trebled; freight from New York to Buffalo fell from \$120 to \$20 a ton, and in a few years, to \$6. In one year the 20 vessels on Lake Erie became 218. The forests of the western part of the state were converted into lumber, staves, and pearl-ash, and their place was taken by farms and thriving villages. New York City, the port for all the Lake district, almost doubled its population between 1820 and 1830 (rising to 242,000), taking Philadelphia's place as the leading American city and securing more than half of all our import and export trade. Much produce of the Northwest was shipped through that port to our seaboard states also. As early as 1827, the governor of Georgia complained that the people of Savannah used wheat from western New York because the freight charge on it by water was only a fifth of that on wheat from western Georgia by land.

Pennsylvania now found that her recent expense for good roads by land counted for little against New York's water communication with the West, and in 1826 she began her own systems of canals from the Susquehanna to Pittsburgh. This soon doubled the value of farm produce in the eastern Ohio valley.

But the success of the Erie and the Pennsylvania canals overstimulated canal building. In particular the *new* states entered upon an orgy of building that plunged them terribly in debt. Between 1825 and 1840, five thousand miles of costly canals were constructed in America. Much of this probably was needless from the first, and most of the rest was soon replaced by the unforeseen development of the railroad. A

few of the Western canals, however, long proved useful. One connecting Lake Michigan and the Mississippi was a large factor in developing "Fort Dearborn" into Chicago, and Cincinnati owed much of her early prosperity to a canal from the Ohio to Lake Erie.

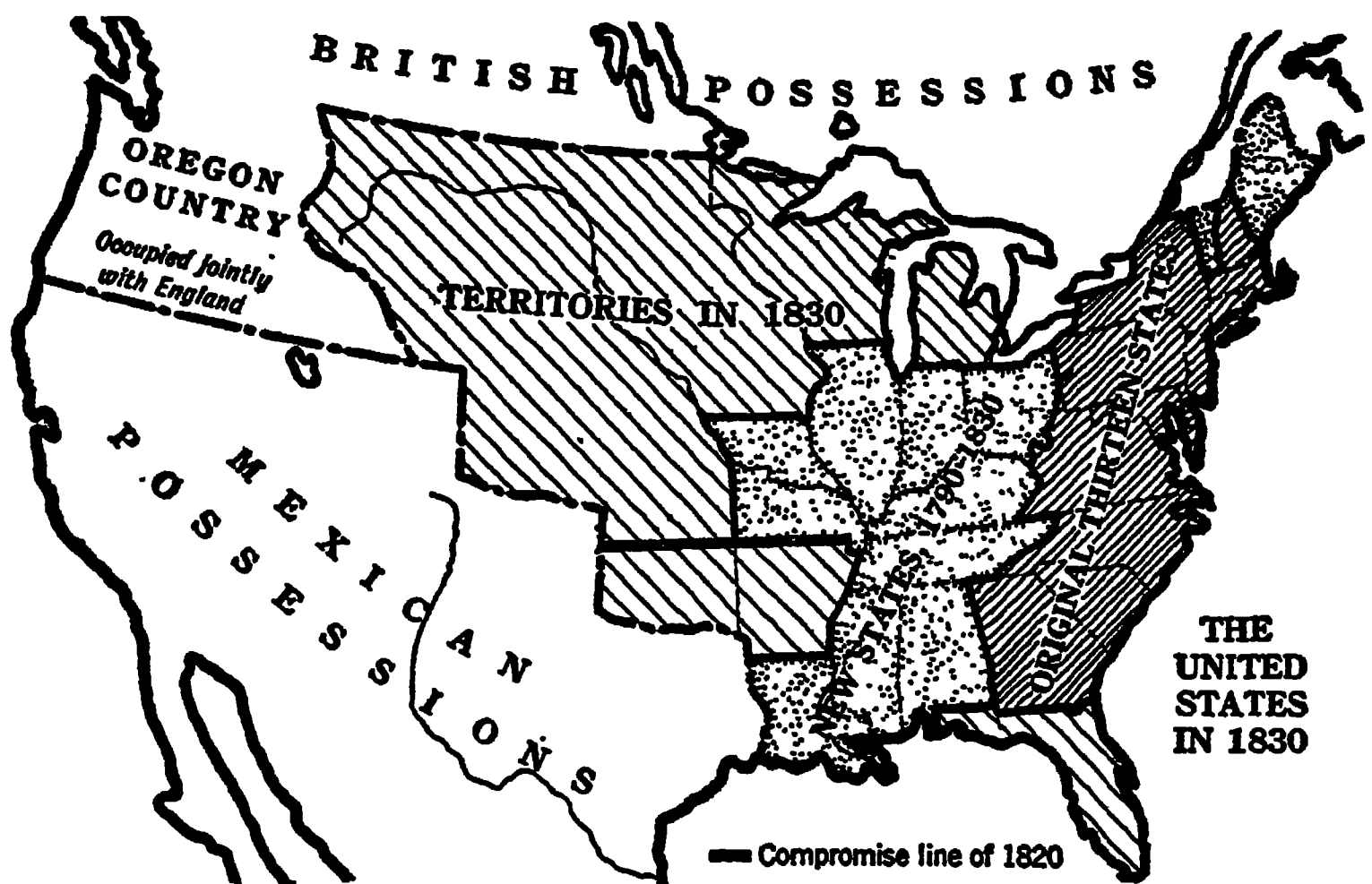
The most important result of the Erie Canal, after all, was not commercial. The "Great Ditch" formed at last the necessary link in a road for New England migration into the Mississippi valley. Until after 1825 (except for the early Marietta settlement), New England had sent few immigrants thither. She had populated the Western Reserve in northern Ohio (page 269) and parts of western New York, but for the most part her surplus sons had had to find space in her own growing factory towns or in her frontier counties—especially in the Maine district of Massachusetts. But now, between 1825 and 1830, the long pent-up population of New England began to pour itself into the true "West." It reached Buffalo by canal boat; passed on by Lake steamer to Chicago; and thence spread out over northern Illinois and Indiana—as migration from Virginia and the Carolinas (passing through Kentucky) had already spread over the southern parts of those states. Steamers from Buffalo to Detroit soon began to carry part of the Eastern overflow into Michigan. Then from northern Illinois and from Michigan the sons and grandsons of New England were to play a mighty part in peopling and guiding Wisconsin, Iowa, and Minnesota.

Some of these new immigrants were cultivated college men, but the great bulk came from New England's western and democratic farming communities, seeking more fertile farms in the great valley. These sons and grandsons of the men of Shay's Rebellion kept much of the old Puritan seriousness and moral earnestness, mingled with a radicalism like that of the original Puritans of the Roger Williams type. They were reformers and "come-outers" in religion and politics

and society. Temperance movements, Mormonism, Abolitionism, Bible societies, Spiritualism, anti-Masonry, schools and colleges, all found their chief support, in the West, from this element of the population. Above all, this migration came none too soon to make Indiana and Illinois safe against attempts to repeal the anti-slavery provision of the old Northwest Ordinance (page 544).

### FROM 1830 TO 1840

Between 1830 and 1840 two more states were given to the Union by the Mississippi valley: Arkansas in 1836, and Michi-



gan in 1837. The West now had seven million of the sixteen million Americans, and its growth continued twice as rapid as the average growth of the country. The 32,000 inhabitants of Michigan in 1830 had grown to more than 200,000 in 1840.

Nineteen-twentieths of the Westerners of 1830 lived in small villages or on isolated farms, and, except for the wealthy planters of the black belt, this country life was exceedingly plain. Most farm homes were log cabins. Some farm families

had brought with them from the East a few precious pieces of furniture, in their canvas-covered "prairie schooners"; but as a rule, for a long time, a new home had only home-made tables and beds, and rough benches or blocks of wood for chairs. Vivid and comprehensive is the portrait of Ohio in 1830 by W. E. Woodward in his *Meet General Grant*:

It was a land of calloused hands, of lean and muscular men, of canvas-covered wagons with mud flaking from their wheels, of shot-guns and hunting dogs, of silent women bending over the fires of cooking with the smoke blowing in their eyes, of log houses, of wheat growing boisterously in fields full of stumps, of Bibles and poor liquor, of sharp trades, of illiterate lawyers, of hell-fire preachers and innumerable quacks.

Everything was new . . . Every farm was simply an experiment . . . with the farmer looking wistfully toward the next county, where, he thought, the land might be cheaper and more fertile. This flood of newcomers paid little attention to comfort, to the building of their houses, to the laying of walls or fences, because nearly everybody expected either to move on to a better place or to be in such a position, within a few years, that he could build himself a really fine house . . . Coarse and heavy-handed as these people were . . . they were buoyant with the high tension of adventure. They were not looking merely for a home. They wanted land, money, power.

Less than 100,000 of the 7,000,000 Westerners were to be found in any town of as many as 3,000 people. Indeed, cities with as many as 5,000 could be counted on the fingers of one hand. New Orleans, the port of exchange between the river steamboat trade and the ocean-borne trade, had 46,000 people and was the fourth city in size in the United States. (It was still French in character—as was to be true till much later—and English was rarely heard on its streets.) St. Louis, where converged the steamboat trade of the Ohio, Missouri, and upper Mississippi, had 6,000 people. Cincinnati ("Porkopolis"), in the center of a rich farming district, was also a distributing center for the steamboat trade for much of Ohio. It boasted itself "Queen City of the West," with 25,000 inhabi-

tants, but no other place in that oldest state of the Northwest had even 3,000. On the extreme eastern edge of the great valley, Pittsburgh, with its 12,000, was already dingy from the smoke of its iron mills.

All these centers, it will be observed, had been built by the steamboat and flatboat trade of their rivers. Pittsburgh, of course, had still another factor in its favor. Not only was it the head of navigation for all the rich Ohio valley: it lay also in the center of a mining district that furnished unlimited supplies of both coal and iron in close neighborhood, and, until the awakening of the new South after the Civil War, it held a monopoly of that mighty advantage. As early as 1803, a careful observer estimated its yearly output of manufactures at a third of a million dollars. In 1830, the iron manufactures alone amounted to half a million dollars, and twenty years later this had multiplied a hundred-fold.

By 1840, all these towns had grown materially, and several new ones had entered the lists. Cleveland had doubled its size in the decade and boasted a population of 6,000. The fur-trading station at Fort Dearborn had suddenly sprouted into bustling Chicago, with 5,000 people. Rochester, Detroit, Milwaukee, Indianapolis, Springfield, Louisville, as well as the old Spanish Mobile, were taking on city proportions, by the standards of that day. But with it all, the ratio of town to country life in the West was as yet not much changed.

The hard-working population found its main play-spells still in gatherings that smacked of work—house or barn-raisings, husking bees (followed perhaps by a boisterous barn-dance), and (as far as the hardwood forests reached) in maple-sugar camps. During political campaigns, however, another form of entertainment offered itself. Many a time, practically the whole population of a given district (one or more representatives anyway from every family, if not entire households) would gather, by arduous journey in jolting wagon or on

horseback, in huge outdoor picnic meetings, to hear the favorite and rival orators of the day and section discuss public questions and one another's personal characteristics. It was this practice that early gave rise in the West to the still surviving Americanism, "stump speech," inasmuch as a huge stump was often the only platform.

The practice, indeed, might be dated back farther yet—since at Jamestown the first church pulpit was erected amid the branches of a mighty oak—and often for many years religious services over large districts were held with similar informality. Baptists and Methodists soon became the leading denominations in the West, although the Presbyterians were reluctant to surrender their original predominance there. The greater hopefulness of the later sects appealed to the Western democracy more forcefully than did the sternly logical dogmas of Calvinism and the repellent doctrine of predestined damnation for all except a chosen few. Moreover, the highly emotional appeals of the circuit riders and revivalists of Methodism swept whole populations, emotionally starved, into new conviction of joyful salvation. Undoubtedly there were unpleasant accompaniments of rowdyism and sometimes of dissipation among both saints and sinners at the huge "camp-meetings" that long remained so marked a feature of Western religious life, along with many cases of crazy ecstasy among those who "experienced religion." Who shall say, however, that these things were more than slight blemishes upon the enlarged and growing vision of a higher life, and the new impulse to rise to that life, which came to tens of thousands through that same agency?



In all this talk of sections, the discriminating reader will never lose sight of one point in particular. In 1830, Southwest and Northwest still made only one section—the West. We must not think of Mississippi as "Southern," or Illinois

as "Northern." The country then had still three sections—North, South, and West; and North and South applied only to the division east of the mountains.

During the next twenty years, it is true, the difference between the two systems of labor, free and slave, in its northern and southern portions, split the West also into two sections, which then merged with the corresponding Atlantic sections. In 1850 there were only two sections—a North and a South. The line of the Ohio became an extension of the "Mason and Dixon line."

But meanwhile the Westerners developed a new American type—to remain the dominant one for two generations: tall, gaunt men, adventurous and resolute, of masterful temper, daunted by no emergency, impatient of authority, but with a leaven of high idealism. The West believed in the worth of the common man. Already it had become "the most American part of America." Here the new nation showed best its raw youth, unpolished but sound at heart, crude, ungainly, lacking the poise and repose and dignity of older societies, but buoyantly self-confident, throbbing with rude vigor, grappling unconcernedly with impossible tasks, getting them done somehow, and dreaming overnight of vaster ones for the morrow. Some small embarrassment it felt for its temporary ignorance of books and art, but it exulted boastfully in its mastery of nature and its daring social experiments, and appealed, with sure faith, to the future to add the refinements and graces of life.

This "American propensity to look forward to the future" for whatever it lacked in the present particularly amused the many supercilious and superficial English travelers of the day. These prejudice-blinded gentlemen delighted in portraying, with microscopic detail, skin-deep blemishes of American society. Even Charles Dickens, whom America loved, saw little but the spittoons and the hurry at the lunch counters.

No one of those critics saw at all the most amazing spectacle of all history spread before their eyes: a nation in the making, occupying and subduing a rebellious continent; felling forests, plowing prairies, clearing the rivers, hewing out roads; founding farms and towns and commonwealths; solving offhand grave economic problems, wastefully sometimes, but effectively; and inventing and working out, on a gigantic scale, new, progressive principles of society and government. "You can't write books," carped the visitor. "We're busy just now," shouted the West carelessly over its shoulder, "but just wait till we get this bridge built, these prairies farmed, that new constitution framed."

In 1820, Sydney Smith closed his tirade in the *Edinburgh Review* with the famous passage: "Who, in the four quarters of the globe, reads an American book? or goes to an American play? or looks at an American painting or statue? . . . Who drinks out of American glasses? . . . or sleeps in American blankets?" To this charge (which the next twenty years were to make stupendously ridiculous) the *North American Review* replied with the customary defense—the appeal to the future. This resulted in more ridicule from the English periodical:

Others claim honor because of things done by a long line of ancestors: an American glories in the achievements of a distant posterity. . . . Others appeal to history: an American appeals to prophecy. . . . If a traveller complains of the inns, and hints a dislike for sleeping four in a bed, he . . . is told to wait a hundred years and see the superiority of American inns over British. If Shakespeare, Milton, Newton, are mentioned, he is told again, "Wait till we have cleared our land, till we have idle time, wait till 1900, and then see how much nobler our poets and profounder our philosophers and longer our telescopes, than any your decrepit old hemisphere will produce."

That the retort might not seem so amusing "in 1900" never occurred to the English humorist—or that there was quite as much sense in taking pride in descendants, whom we

will have some share in fashioning, as in ancestors, who have only fashioned us. Englishmen paid dearly for this flippant blindness by the rancor stirred in American hearts—which unhappily persisted long after England had frankly confessed her error.

Meanwhile, the West went its gigantic way untroubled and not without some dim sense of the mighty epic it was creating, as voiced later by one of its sons (Joaquin Miller, in *From Sea to Sea*):

O heart of the world's heart! West! my West!  
Look up! Look out! There are fields of kine,  
There are clover fields that are red as wine;

\* \* \* \*

There are emerald seas of corn and cane;  
There are isles of oak and harvest plain,  
Where brown men bend to the bending grain.  
There are temples of God, and towns new born,  
And beautiful homes of beautiful brides.  
And the hearts of oak and the hands of horn  
Have fashioned them all, and a world besides.

## CHAPTER XXIV

### NATIONALISM BATTLES SECTIONALISM

*Our Federal Union: it must be preserved!*—ANDREW JACKSON'S toast at the nullifiers' Jefferson Day banquet in 1830.

*Our Union: next to our liberty most dear!*—From the answering toast a few minutes later by CALHOUN.

*Liberty and Union, now and forever, one and inseparable!*—DANIEL WEBSTER, closing his reply to Hayne in the Senate.

THE War of 1812, we have said, was followed by a mighty outburst of nationalism. This feeling was strengthened by the swift growth of the West—which had never known the old state jealousies—and by the closer communication between distant parts of the country that came with the steamboat and better land roads.

But there were also opposing forces. The American people were dispersing swiftly over an immense area. That area fell naturally into three sections—North, South, and West (page 464f.). These were not mere geographical divisions. Each of them had its own set of interests. The Westerner perhaps cared little about the power of his particular state. Much more he wanted strength for the central government—but then he wanted that government to use its strength to serve the West. Each section wished Congressional laws that would favor its particular interests—and opposed other laws that were desired by other sections. This sectional jealousy became a greater menace to the Union than the older jealousy between states had ever been.

Sectional conflicts were waged especially over protective tariffs, the Bank, public land, internal improvements, slavery, and, in a less degree, the control of the presidency.

## PROTECTIVE TARIFFS

From 1807 to 1815, the embargo and the war shut out European goods. This afforded an artificial protection for home manufactures. We had to use up our own raw cotton, wool, and iron, or let them go unused; and we had to supply our own clothing, fabrics, tools, and machinery, or do without. The new demand for building up home manufactures was met mainly in New England, where much capital and labor, formerly engaged in shipping, was temporarily unemployed. In 1807, New England cotton mills had only 8,000 spindles in use: in 1815 the number was 500,000, with 100,000 workers. Woolen and iron manufactures also were well under way.

When peace returned, this manufacturing industry, developed by unnatural conditions, could not sustain itself. We could let it die, and permit the capital and labor to find their way back into other industries; or we could now protect it from foreign competition by placing high tariffs on foreign goods like those we manufactured.

The question of "protection" was not new. Earlier tariffs had been framed to carry "incidental protection" (page 336), and, in his famous Report on Manufactures, Hamilton had argued for an extreme protective tariff. But all such plans had been for taxation in order to *create* manufactures. It was more effective to call upon Congress to *preserve* industries into which a national war had driven our citizens. Moreover, Calhoun and Clay urged that America must make itself independent, economically, of Europe. Such economic independence, they argued, was essential to real political independence. (Cf. page 115.) The war had just given point to the plea. For the first time, too, the farmer began to call for protection. He (or at least some of his class) had been raising flax and hemp, and had imported costly merinos to supply the woolen

mills. Now that the textile mills had shut down, he had no market nearer than England.

John Randolph raised his voice in almost solitary protest in Congress, in behalf of the "consumer." With keen insight, he warned the agricultural masses that they were to pay the bills, and that, in the discussion of future rates, they would never be able to make their needs and opinions felt in Congress as could the small body of interested and influential capitalists:

Alert, vigilant, enterprising, active, the manufacturing interests are collected . . . ready to associate at a moment's notice for any purpose of general interest to their body. . . . Nay, they are always assembled. They are always on the Rialto; and Shylock and Antonio meet every day, as friends, and compare notes. And they possess, in trick and intelligence, what, in the goodness of God to them, the others can never have.

The Tariff of 1816 was enacted by a two-thirds vote as an avowed protective measure. Revenue had become the incident. Imported cottons and woolens were taxed 25 per cent; and manufactured iron, slightly more. On cheap grades of cloth the rate was really much higher than 25 per cent—disguised by a "minimum-price" clause. That is, the bill provided that, for purposes of taxation, no cotton cloth should be valued at less than 25 cents a yard. If the cloth was really worth only 13 cents, the tariff was still 6½ cents, or, in reality, 50 per cent. This effective device for placing the chief tariff burden upon the poorest classes has been much practiced in later tariffs.



Then in 1819 came a world-wide industrial depression, following the long European wars but intensified in the United States by local conditions. The promise of the tariff had led to overinvestment in factories by Eastern capitalists, while, in the West there had been overinvestment in public lands by

thousands of moneyless immigrants, unduly allured by the "credit system" of purchase which was still in force until 1820 (page 450). The chaotic banking system added its evil influence. The expiration of the First National Bank in 1811 had been followed by a multiplication of ill-regulated state banks (many of them, "wild-cat" concerns), and the new Bank of the United States (chartered in 1816) did not at first restore orderly finance. Great numbers of the state banks had encouraged wild speculation by loaning money in extravagant amounts, on dubious security; and now, forced to call their loans and finally to close their doors, they spread ruin and panic around them. In the West, Senator Thomas H. Benton describes the years 1819-1820 as "a period of gloom and agony. No money . . . no price for property or produce. No sales but those of the sheriff. No purchaser but the creditor or some hoarder of money. No employment for industry." And Niles' *Register*, a paper representing the interests of capital, confessed in August, 1819, that 20,000 men were daily hunting work on the streets of Philadelphia—more than half the adult male population.

The manufacturing interests, however, ascribed the depression to insufficient "protection," and the Tariff of 1824 found its leading champion in Clay, who now glorified the protective policy with the name, "the American System." The chief opposition in debate came from Daniel Webster, who represented a commercial district in Massachusetts, and who took his stand at this time upon absolute free-trade policy.<sup>1</sup> In general, New England was divided, wavering between manufactures and a return to its old shipping interests. The South had been almost solid for protection in 1816, but now it was solid in opposition and loudly denied the constitutionality of such

<sup>1</sup> Webster followed the teachings of all "the Fathers," except Hamilton. The Revolution, in no small degree, was fought for the right to trade at will with the world. For a generation afterward, this fact gave a free-trade bias to American thought.

laws. Slavery, it found, shut it out from the manufacturing industry, and it was weary of paying higher prices than of old for manufactured articles. When told reproachfully that Northern factories made a market for its cotton, it replied by pointing scornfully to the fact that for eight years the price of cotton had fallen steadily—to less than half the price in 1815 (a fact that probably was really due to the recent over-expansion of the cotton area; page 453). Besides, argued the South more convincingly, foreign manufacturers would not buy American cotton if they could not sell goods in America. Only one Southern Congressman voted for the bill—and he came from the northwestern border of Virginia.

The bill passed finally by bare majorities, through the union of the manufacturing Middle states and the agricultural West, which wanted a home market for its wool and hemp—and which believed in “loose construction” because it wanted government aid for internal improvements. Tariff rates, on an average, rose to about 33 per cent, and, under this stimulus, the capital invested in manufactures trebled in three years.

Clamor continued, however, for still higher protection; and, four years later, Congress enacted the third great tariff of this period—the “Tariff of Abominations.” This Tariff of 1828 was engineered largely by men who planned to make Jackson President. None of the other political leaders dared oppose it on the eve of a presidential campaign, but they did make it an atrocious hotch-potch by amendments—in the vain hope that its authors themselves would refuse to swallow it. Said John Randolph, “This bill encourages manufactures of no sort but the manufacture of a President.” Webster now changed sides, frankly assigning as his reason that Massachusetts had accepted protection as a settled national policy and had invested her capital in manufactures. *New England and the South had exchanged positions on the tariff since 1816.* The law raised the average of duties on taxed articles

to 49 per cent—far the highest point touched until the “war-tariffs” of the sixties—and gave rise to a new nullification movement (chapter xxviii).

### THE COURTS AND NATIONALITY

The feeling for nationality upheld the Supreme Court in a remarkable series of decisions during this period. Perhaps the most famous case was that of *McCulloch vs. Maryland* in 1819. Maryland had imposed a ruinous tax on the Baltimore branch of the National Bank, to drive it from the state, and had brought suit in her own courts against McCulloch, an officer of the Bank, to collect the money. The Maryland court upheld the tax and denied the constitutionality of the Bank—since the power to charter a bank was not among the “enumerated powers.” McCulloch applied to the federal Supreme Court for a “writ of error.” That court took jurisdiction and reversed the state court. The decision was written by John Marshall. Three points call for notice:

1. The title of the case would seem to imply a suit by an individual against a state—such as is forbidden to federal courts by the Eleventh Amendment. But the state had *begun* the suit originally; and the Court held that in such a case an appeal by the individual was not forbidden by the amendment. (This was the express point decided by Marshall in another great case, *Cohens vs. Virginia*, in 1821.) The decision restored to the federal judiciary a large part of the power that the Eleventh Amendment had been designed to take away.

2. Following the argument of Hamilton in 1791, Marshall affirmed that Congress had power to charter a bank under the “necessary and proper” clause of the Constitution. Those words, he said, meant merely “appropriate.”

3. The state tax law was declared void because in conflict with this federal law. Before this, state laws had been de-

clared unconstitutional only when in conflict with the federal Constitution itself.

Between 1819 and 1828, eleven of the twenty-four states had one or more laws declared void by the federal courts. These decisions, however, did not go without vehement opposition. Political writers piled up pamphlets of scathing denunciation against them; and half the states protested or actually resisted some decree. Virginia sought strenuously to have Congress repeal the clause of the Judiciary Act that gave the Supreme Court its appellate power (page 333). Ohio, by force, took from a branch of the National Bank a state tax, despite the decision of the Supreme Court, and held it for six years. Georgia nullified a treaty made by the federal government with the Southern Indians within her borders. The Supreme Court upheld the treaty, but Georgia threatened war if the government should try to enforce its rights, and, with the acquiescence of President Andrew Jackson, carried her point (pages 527-8).

### SLAVERY AND THE NATIONAL DOMAIN

At almost the same time that the sections divided upon protection and the Bank, they had to choose sides, too, on another and mightier question: Should slavery be permitted to win new states out of the national domain. This struggle was settled (until the Mexican War) by the Missouri Compromise—but not until that measure had divided the nation into opposing camps for future struggles.

In admitting new states, as we have seen, a careful balance had been maintained between North and South. Ohio in 1803 made the free states one more than the slave states (page 349)—which was the arrangement when the Union was formed. Louisiana in 1812 made the numbers equal. Indiana and Mississippi, Illinois and Alabama, preserved this equality. *But*

*the free states grew faster in population*, and by 1820 (even under the three-fifths rule) they had a fourth more Representatives in Congress. This condition, of course, made the South all the more determined to keep its equality in the Senate.

Slavery was already excluded by law from the part of the national domain that had been included in the old Northwest Territory—so two more free states anyway were in prospect. But no law had ever shut out slavery from the Louisiana Purchase. The old French settlers there had owned slaves—at St. Louis as well as at New Orleans—and the Purchase Treaty had guaranteed them protection in their property. Louisiana accordingly had been admitted as a slave state. Slaveholders from Kentucky, too, had taken the lead in settling Missouri, which now, in 1819, asked for admission to the Union.

But Missouri lay north of the line which, *east* of the Mississippi, divided the free and slave states. The North roused itself to insist at least on maintaining that same line west of the river, and, by a narrow vote, the House of Representatives blocked the bill for admission. The struggle, however, was a bitter one. No one yet denied the right of Congress to regulate slavery in a Territory, but even many anti-slavery men did deny the right of Congress to impose restrictions upon a new state—so as to make it less “sovereign” than older states.

At the next session of Congress (1820), Missouri again applied for admission, and the Maine district of Massachusetts also asked to be set off as a separate state (Massachusetts consenting). Finally Congress admitted both states (Missouri with slavery as she wished), but with the compromise provision that no other slave state should ever be formed out of existing national domain north of the southern boundary of Missouri ( $36^{\circ} 30'$ ).

The Compromise was a remarkable victory for the North. Arkansas came in as a slave state in 1836, but the admission of Michigan in 1837 restored the old balance. And the Union

now possessed a vast domain stretching to the north and west of Missouri (much the greater part of the Louisiana Purchase) from which in time free states would be made, while for slavery there remained at most only part of what was to be known as Indian Territory—*unless we acquired new lands to the southwest*. (Map on page 461).

### THE RISE OF NEW PARTIES

For the whole period 1816-1829, true political parties were lacking. The old Federalists had been galvanized into activity in New England by the embargo and the war, but in 1816 they cast only 35 electoral votes, and in 1820 none. Accordingly, the period has sometimes been miscalled "the era of good feeling." The place of parties was taken by factions, moved only by personal or sectional ambitions.

This became plain in the campaign of 1824. Crawford of Georgia was nominated for the presidency by a Congressional caucus, which, however, was attended by less than a third of the members. Legislatures in the New England states nominated John Quincy Adams; and in like fashion, Clay was nominated by Kentucky and Missouri, and Andrew Jackson by Tennessee and Pennsylvania.

Jackson's candidacy was a surprise and an offense to the other statesmen of the period. He was a "military hero," and, to their eyes at that time, nothing more. Never before had a man been a candidate for that office without long and distinguished political service behind him. The campaign was marked by bitter personalities. Adams, whose forbidding manners kept him aloof from the multitude, was derided as an aristocrat, while Jackson was applauded as a "man of the people." Jackson had 99 votes; Adams, 84; Crawford, 41; Clay, 37. According to the Twelfth Amendment, the House of Representatives chose between the three highest, and Adams became President, through votes thrown to him by Clay.

Adams afterward appointed Clay his Secretary of State—and friends of Jackson complained bitterly that the “will of the people” had been thwarted by what John Randolph called a “corrupt coalition between Puritan and blackleg.” (Clay challenged Randolph—as, indeed, he was bound to do if he wished to remain in public life—and a duel was fought without injury to any one. Honor thus appeased, pleasant social relations were restored between the two.)

The charge of a bargain was unjust, but the Jackson men at once began the campaign for the next election with Jackson’s slogan—“Let the people rule.” Adams was thwarted at every turn throughout his four years. In 1807, Adams had moved the resolution in Congress that called out Gallatin’s Report (page 412), and now, as President, his inaugural announced internal improvements as a leading policy, in opposition to the vetoes of Madison and Monroe. His first Message urged Congress further to multiply roads, found a National University, and build an astronomical observatory—“a lighthouse of the skies.” But by this time many states had begun roads and canals of their own, and had no wish to help pay for competing lines elsewhere, and Congress had become lukewarm. Larger appropriations, however, were voted for such purposes than in any previous presidency.

The President’s position hastened the formation of new parties. Supporters of Adams and Clay, standing for internal improvements and protection, took the name of “National Republicans.” To the Jackson men the campaign of 1828 was a protest against the undemocratic “usurpation” of 1824. Accordingly, they took the name “Democratic Republicans” (to indicate their claim also to be the true successors of Jefferson’s “Republican party”) or, a little later, merely “Democrats.” In opposition to the Broad Construction platform of their opponents, they soon became a “Strict Construction” party; but they won the election of 1828 before this question came to the front.

## CHAPTER XXV

### THE AWAKENING OF LABOR, 1825-1837

*Laborin' man an' laborin' woman  
Hev one glory an' one shame:  
Ev'y thin' thet's done inhuman  
Injers all on 'em the same.*

—LOWELL, in the "Biglow Papers."

#### THE COMING OF THE FACTORY SYSTEM

THE drama of American history had suddenly shifted to an enlarged stage and brought forward new actors. The democratic upheaval of the thirties, revealed in the election of Jackson, was due, first, to the growth of the West and, next, to the awakening of labor in Eastern cities.

And the labor class was essentially a new class, created by the recent introduction of new methods of manufacturing, with machine production. In the last quarter of the eighteenth century, while America was waging her War of Independence, and while France was giving the world her great social revolution, obscure craftsmen in England—busied in homely toil, puzzling day after day over wheels and belts and levers, and seeking some way to save time—had been working out the industrial revolution which was to change the daily life of the masses of men and women and children over all the world.

In Colonial times, each housewife spent all spare moments at the spinning wheel, drawing out the fiber of flax or wool into thread or yarn, one thread at a time. This thread was woven into cloth on the primitive hand loom, older than history. In America this weaving also was usually done in each farm home: in England, commonly by a distinct class of

skilled weavers, such as had begun to appear also in America (pages 145-6).

The spinning was the slower work. One weaver could use all the thread that eight spinning wheels could supply. The weavers could not get thread fast enough; and in 1761 prizes began to be offered for inventions for swifter spinning. Three years later—just when parliament was blundering into the Stamp Act—James Hargreaves, an English weaver, noticed that his wife's spinning wheel, tipped over on the floor, kept on whirling for a surprising time. Taking a hint from this position, he invented a machine (which he called the Jenny, for his wife) where one wheel turned eight spindles and spun eight threads at a time.

Then in 1771 (two years after Lord North had provoked the "Boston Massacre," and two years before he provoked the Boston Tea Party), Richard Arkwright, an English peddler, devised a new sort of spinner without spindles. He ran his wool or cotton through a series of rollers, turning at different rates, to draw out the thread; and he drove his machine by water power, and so called it the Water Frame. The year after Burgoyne's surrender, or in 1779, Samuel Crompton, an English weaver, ingeniously combined the best features of the Jenny and the Water Frame in a machine which he called the Mule, in honor of this mixed parentage. With the Mule, one spinner could spin two hundred threads at a time.

Two hundred threads seem few to us, familiar as we are today with machines that wind 12,000 spools at once (with the help of two or three young women), but at the time the Mule made a revolution in cloth manufacturing. Now the weavers could not keep up with the spinners, and it was needful to improve the loom. On the hand loom, threads were first drawn out lengthwise on a frame, making the warp. The weaver then passed his shuttle by hand back and forth between those threads to form the woof. But in 1784, Edmund Cartwright,

an English clergyman, patented a power loom, in which the shuttle threw itself back and forth automatically.

The next need was more cotton to spin. Whitney's Cotton Gin (page 382) soon made it easy for America to furnish that. Even sooner, Watt's engines began to provide a better power than water to drive the new machinery. Steam was first applied to spinning machinery in 1785. Fifteen years later, England was using more steam engines than water wheels, and by 1800 the age of steam and of machinery had fairly begun in that country.

The English inventions were soon known in America, but they did not come into common use here for another generation. In 1800 this country had only four steam engines, and only four cotton mills run by water. The industrial revolution came here sooner than in any other country after England, but even here it did not begin until the War of 1812 made it necessary for us, for a time to manufacture all our own cloth. In both England and America, of course, machine production was promptly extended to other forms of manufactures also.

With machinery and steam power, one laborer was soon able to produce more wealth than hundreds had produced by the old hand processes. This ought to have been pure gain for all the world, and especially it should have meant more comfort and more leisure for the workers. Part of the increased wealth did go, indirectly, to the common gain, in lower prices. Everyone could soon buy cloth and hardware cheaper than before. But for great numbers of workers the industrial revolution long meant, not higher life, but lower life.

The new machinery was costly. Workmen could not own it as they had owned their old looms and spinning wheels. And so there grew up a new class of capitalist manufacturers. Such a manufacturer was not himself a workman, like the small employers in the old domestic system. He used his

money to build huge brick factories, story on story; to fill them with costly machinery; to buy the "raw material" (cotton, wool, iron, as the case might be); and to pay wages to hired workers, or "operatives." The "domestic" system of industry gave way to a new capitalist system, or wage system, or factory system.

Under the old domestic system, even in manufacturing districts like Pennsylvania, the workmen lived in their own homes, owned their own tools, and varied their toil (or used idle time) by tilling plots of ground about their cottages. Their condition was more like that of the farmer of today than like that of the modern factory worker. But as the factory system came in, the worker was compelled to change his whole manner of life. He must reach the factory within a few minutes of the first bell, about sunrise, and stay until it grew too dark for work. So the capitalist built long blocks of ugly tenements near his factory, for rent, and his "hands" moved from their rural homes, with garden spots and fresh air and varied industry, into these crowded and squalid tenement districts, to live amid destitution and disease and vice. The factory system built up towns swiftly. Lowell, for instance, was an old village of 400 people in 1820, but in 1840 it had become a busy factory town of 20,000. But these new towns had no fit water supply, no sewerage system, no garbage collection. Science had not learned how to care for these needs, and law had not begun to wrestle with them.

### "CAPITALISTS" AND THEIR "HANDS"

The new manufacturing society, then, was made up of two hostile classes. Under the domestic system, apprentices and journeymen had expected to rise, sooner or later, to be "masters," and at all times they lived in constant intercourse with their employers—who worked side by side with them, shared their hard conditions, and had a sort of fatherly

guardianship over them. Under the new system, a particularly enterprising and fortunate workman might now and then rise into the capitalist class, but, on the whole, a distinct and permanent line divided the two classes.

The factory owner, too, had no personal contact with his workmen. He employed, not two or three, living in his own family, but hundreds or thousands whom he never saw outside the factory and whose names even he did not know except on the pay roll. There was little chance for understanding between him and his "hands."

The men who owned and managed factories and banks and canal systems, together with a growing body of speculators and small money-masters, made up the capitalist class. They were keen, forceful, driving men, with few interests outside "business." Absorbed in a mad race with one another for wealth and power, they had little sympathy or time for the needs of the two million "operatives" whose lives they ordered almost as absolutely as Southern planters ordered the lives of their two million blacks. Like the planters of the black belt, too, they dwelt mainly in a small area—a narrow, curving band of manufacturing territory<sup>1</sup>—but through many subtle influences, they commonly held the faithful allegiance of the whole North Atlantic section from the Chesapeake to the Kennebec. They furnished the stocks and controlled the credit of the storekeepers in the small towns; they endowed colleges and built churches; they gave the best-paying employment to lawyers. The farmers—lately followers of Jefferson—came to feel their prosperity bound up with that of the industrial towns that made their markets; and even the opera-

<sup>1</sup>The home of the factory system was long limited to a narrow belt of the North Atlantic section. New England used the water power of her rivers for cotton, woolen, and paper mills, building up a new line of towns (the Fall line) as at Lowell, Manchester, Lawrence, Holyoke, and Fall River. Pennsylvania, New Jersey, and New York got like results by using "stone coal" from the Pennsylvania mines, which were now accessible cheaply by the Pennsylvania canal system. In 1830, America still had only 32 cities with more than 8,000 people, but 28 of these were in this manufacturing region.

tives usually voted unquestioningly for the system which, they were assured, filled their meager dinner pails.

This capitalist class early developed a keen scent for special privilege, to be secured through courts and legislatures. Especially did it take advantage of the generous Americanism of South and West just after the War of 1812 to intensify the "protection" for its pet industries in the tariffs of the period. From this it reaped a rich harvest. Between 1820 and 1830 the output of American factories rose sixfold. In 1830 its value was a half greater than that of all the produce of Southern plantations—though the planters had an investment five times that of the factory owners. Since the factory workers got only a bare living, this huge factory output meant immense profits for the capitalist.

The factory operative, like the capitalist, was a new figure. And, unlike the capitalist, he was a helpless one. He furnished nothing but his hands. Between 1800 and 1825, the mass of hired labor in America shifted from the farm to the factory. Much factory work could be done by women and children,—especially in cloth manufactures, where it consisted largely in turning levers or tying broken threads or cleaning rollers. Until the operatives learned to combine, so as to bargain collectively, the capitalist fixed wages and hours and conditions as he liked. Two evils call for particular mention.

1. The long labor day, from dawn to dark (thirteen or fifteen hours) was now carried into the factory—following the old farm "help." On the farm this hard day was endurable, because it was spent in fresh air, amid outdoor scenes, in interesting and varied activity. In the factory it was ruinous, because the work was a deadly monotony, and because of foul air, poor light, incessant, nerve-racking noise and jar of machinery—and because there it crushed women and children. Hope Factory (Rhode Island), in 1831, rang its first bell

ten minutes before sunrise. Five minutes after sunrise the gates were locked against tardy comers, not to open again until eight at night. (A committee of laborers claimed that the employer stretched this horrible "day" by twenty or twenty-five minutes more, by always keeping the factory clock slow.) The only respites from toil during the fifteen or sixteen hours were twenty-five minutes for breakfast and a like period for "dinner"—both meals being cold lunches brought by the operatives. And more than half the operatives were children! This was not an exceptional instance: it was typical.

Lowell was a noble exception. No child under twelve was employed there; the day was "short"; and all conditions were unusually favorable. At 4:30 A.M. the bell summoned the workers from their beds. At five they must be within the mills, and the gates were closed. With a half hour, later, for breakfast, and forty-five minutes for "dinner," the labor continued till 7 P.M. The manufacturing company provided plain lodgings and arrangements for cheap board at \$1.50 per week. Skillful workers (paid by the piece) might possibly earn twice that amount—and save, above all expenses, perhaps a dollar or even two dollars a week. The employees were almost all farmers' daughters (and this profit appealed to them because for quite as hard work on the home farm they had received no wages at all). After their fourteen hours a day in the factory, these vigorous young women, for one generation, had energy for literary clubs and social activities. Churches and lectures arranged their meetings late enough in the evening to be attended by the eager working girls—who also, at one period, wrote, edited, and published a periodical of considerable literary merit.

2. The employment of large numbers of children in factories for thirteen hours a day, six days in every week (except

When it proved profitable to close the factories a few weeks in winter) deprived them of all chance for schooling. This condition was a chief factor in the early labor demand for shorter hours. In the Massachusetts legislature of 1825, a committee on education sent inquiries to the mayors and aldermen of all Massachusetts factory towns regarding hours of labor of children and opportunities for schooling. The replies were unfavorable as shame, or local pride, could make them; but none claimed less than eleven hours of steady work per day of children (from six to seventeen years old), and only two reported so short a day. The "dawn to dark" day was widely reported in many cases. Seekunk stated that its children "work twelve hours; Some may get eight weeks' schoolg." <sup>2</sup> Waltham failed to state the hours of labor, but said, "As much oppy for Schoolg as can be expected" (!) Framingham honestly declared, "Work twelve hours pr day. oppy for School except by employg substitutes." Southbridge reported "Average twelve hours. These children are better off than their neighbors" (!) Boston said concisely, "No Schoolg." Fall River, with unconscious irony, stated, "Work all day. There are good public and private S. and a Sunday School."

These horrible conditions show even more plainly in a separate statement by "Many Operatives" in the *Mechanico-Free Press* for August 21, 1830, regarding children in the Philadelphia factories:

It is a well-known fact that the principal part of the helps in cotton factories consist of boys and girls, we may safely say from

The quotations from these replies are given from a tabulated summary made by the committee in its report to the legislature. The report was printed only in the second decade of the present century in the *Documentary History of American Industrial Society* (10 vols.; edited by John Commons, in association with four other scholars). Most of the other facts about labor stated in this chapter are based upon documents given in

six to seventeen years of age. . . . We are confident that not more than one-sixth of the boys and girls employed in such factories are capable of reading or writing their own names. We have known many instances where parents who are capable of giving their children a trifling education, one at a time, [have been] deprived of that opportunity by their employers' threats that if they did take one child from their employ, a short time, for school, such family must leave the employment . . . and we have even known such threats put in execution.

Labor, too, had lost its old lever of free land. Near the Eastern cities, land was no longer "free." Even in the West the rage for speculation in land forced the real settler either to pay unreasonable prices to private holders, or to take undesirable lands, or to go far from markets and neighbors—so that his life was more barren and his profits lost in the cost of transportation.

True, the public domain did offer hope to many individuals from the East, especially if they had a little capital and much self-reliance. But such emigrants went mainly from the farm or the small village. The public domain did not much help the factory class. How should a penniless factory family get team and wagon for the long journey to the West? Or food and supplies for that journey and for the hard months afterward while the first crop was coming to harvest? Or tools and seed to get in a crop? How, indeed, should the man get the \$100 necessary to secure the smallest farm the government would sell him? Or, if he took the chance of "squatting" on government land, without paying down the price, how should he keep some sharp-eyed speculator from buying the place at the first government sale—so reaping all the profits of his toil? Preëmption and homestead laws were still in the future, though Eastern workmen, like the Western communities, were already calling for them. In the absence of such laws, the poor man from the East who sought a home on the public domain took heroic risks.

## LABOR ORGANIZATION IN THE THIRTIES

Labor, then, had to wage its fight in its own Eastern home, and soon the worker learned to find strength in organization. Labor "unions" had appeared in America, before 1800, but only for "mutual insurance" and other benevolent and social purposes. The hint that such organizations might be used in class war seems to have come from the side of capital. Soon after 1800, the newspapers begin to notice "combinations" of capitalists to raise prices. Then the labor combinations began to ask for shorter hours and better wages, and finally to "strike" for them. Between 1802 and 1807, New York, Philadelphia, Boston, and Baltimore (about all the cities of that time) had one or more strikes.

A few progressive thinkers, like William Ellery Channing and Horace Mann, saw that the labor question was the question of human welfare, but society in general was curiously indifferent as to the rights or the living conditions of this large part of its fellow citizens. Monroe, in one of his messages to Congress during the terrible panic of 1819, had congratulated manufacturers on the "fall in the price of labor, so favorable to the success of domestic manufacturers." And Hamilton, in urging that America should develop manufactures, wrote with enthusiasm of the prospect of cheap labor—inasmuch as in Great Britain four-sevenths of the employees in the cotton factories were women and children, the greater proportion being children, "and many of a tender age"! We need feel no surprise, then, that the respectable classes long regarded these early strikes as iniquitous and revolutionary conspiracies, and applauded loudly when a "combination" of Boston merchants announced that *their* "union" had pledged itself to drive the shipwrights, caulkers, and gravers of that city to abandon "unions" or starve, and that they had subscribed \$20,000 for that purpose.

This attitude of the propertied classes was reflected in the courts—which promptly put down the first series of strikes by punishing the leaders sternly for “conspiracy,” under the odious principles of the English Common Law. In 1825, it is true, a New York jury destroyed the terror of such prosecutions for a time by awarding a fine of only one dollar for the “crime” of “conspiring to raise wages,” but not till 1842 did any court recognize that workmen had the same right of collective bargaining as had always been possessed without question by employers. In that year the Massachusetts Supreme Court held that labor organizations might legally try to advance wages “by rules binding solely on members.”



In spite of all drawbacks, the years 1825–1837 saw a militant “labor movement,” to which all later American life owes much. There were three stages of organization. First each important trade in each large city organized its “trade association.” These associations were local; and one trade had no connection with another even in the same city. In 1827, however, when the Journeymen Carpenters’ Association in Philadelphia struck for a ten-hour day, other trade associations in the city gave sympathy and some help. The strike failed, but it had taught the need of wider union among workmen to gain their common end, and the next year the many trade associations of Philadelphia federated in the “Mechanics’ Union of Trade Associations.”<sup>3</sup>

This second stage in labor organization spread swiftly. New York had its General Trades’ Union in 1831, growing out of a successful carpenters’ strike which had been supported actively by other trades. Like unions were soon found in the remaining large cities. Such a federation held considerable

<sup>3</sup> Terms have shifted. The appropriate name, “Trades’ Union,” has been corrupted into “trade-union” for the name of the association of workers in *one* trade; and consequently the more general union has had to seek new names—such as “Trades’ Assembly,” or “Trades’ Council.”

authority over the several local "associations" which composed it. It usually maintained a Trades' Union hall, with courses of public lectures and a labor paper, and it took an active part in supporting strikes (when approved by it) from the general treasury and by public meetings.

The third stage of organization came in 1834, when the various city Trades' Unions organized a national federation. This "republic of labor" held conventions in 1834, 1835, 1836, and 1837; but the organization was imperfect, and in 1837 it was engulfed in the industrial depression that followed the panic of that year (page 531).

Recent extension of the franchise had made voters out of the mechanics (page 512), and, from the first, the labor organizations turned to political action. On August 11, 1828, the Philadelphia Trades' Union, at a public meeting, recommended "to the Mechanics and Working Men of the city to support such men only for the City Council and State Legislature, as shall have pledged themselves . . . to support the interests and claims of the Working Classes." "Delegates of the Working Men," accordingly, sent a circular letter to fourteen candidates for the legislature (seven to be chosen):

to obtain your views in relation to the following subjects:

First. An equal and general system of Education.

Second. The banking system, and all other exclusive monopolies.

Third. Lotteries: whether a total abolishment of them is not essential to the moral as well as to the pecuniary interest of society. . . .<sup>4</sup>

Upon the important subject of Education we wish most distinctly to understand whether you do, or do not, consider it essential

<sup>4</sup> "There are at present," says another address from the same source a little later, "not less than 200 lottery offices in Philadelphia, and as many, if not more, persons engaged in hawking tickets." Special complaint is directed at these "itinerant venders" who "assail the poor man at his labor, enter the abode of the needy, and, by holding out false promises of wealth, induce him to hazard his little all in the demoralizing system."

to the welfare of the rising generation, That an open school, and competent teachers, for every child in the state, from the lowest branch of an infant school to the lecture rooms of practical science, should be established and those to superintend them to be chosen by the people. . . . If your views should be in accordance with the interests of those we represent, we request you to allow us to place your name on our Ticket.

Two years later a "Workingman's party" in New York made its own independent nominations for the whole state ticket. Its candidate for governor got only 3,000 votes, but three labor candidates were chosen to the legislature, and Ely Moore (president of the New York City Trades' Union) was sent to Congress. In 1834, in far-away eastern Tennessee, a labor party brought the tailor Andrew Johnson into public life as alderman in a mountain village. And a Boston Convention of the "New England Association of Farmers, Mechanics, and Other Workingmen" urged—

the organization of the whole laboring population, to revise our social and political system, hoping to imbue . . . our offspring with abhorrence for the usurpation of aristocracy . . . so that they shall dedicate their lives to a completion of the work which their ancestors began, in their struggle for national, and their sires have continued in their contest for personal, independence.

This attempt at a Farmer-Labor party on a nation-wide scale was premature. Labor organizations were found only in a narrow belt of Eastern territory, and the farmers of the West were not likely to merge their growing political power at home in any such union. The old political parties, however, did begin to bid for the vote of organized labor, and, bit by bit, much of its program found its way into the statute book.

One wing of the new Democratic party was especially friendly—the "Equal Rights" party, or Loco Focos, of New York. Like the labor organizations, the Loco Focos had declared against the United States Bank and all other forms of special privilege, and in 1835 they absorbed the Workingman's party in their state. Soon afterward, other labor or,

ganizations cast in their lot politically with the now fully developed Democratic party. When that organization later surrendered to the Slave Power, the political labor movement received a fatal blow. The fragments made parts of the Liberty and Free Soil parties (below), but no distinct labor organization in politics was seen again until after the Civil War.

### SOME AIMS OF ORGANIZED LABOR

The strikes of the years 1825-1837 aimed: (1) to raise wages; (2) to secure what we now call the "closed shop" (i.e., to compel the employment of union labor only, to the exclusion of non-union men, known even then as "rats" and "scabs"); and (3) to shorten the working day to ten hours. But the unions agitated also, in more peaceful ways and on the whole more successfully, for other vital reforms. Untiringly, they called upon Congress and legislatures to abolish monopolies and lotteries and imprisonment for debt—a barbarous and silly custom which as late as 1830 was still sending 75,000 American citizens to prison each year! They sought legislation also to exempt a workingman's home and tools from seizure for debt; to give him a lien on his work for his wages; to make it easier for him to get a home out of the public domain; to give women "equal rights with men in all respects"; and to establish a noble system of public schools—far ahead of any practice in that day. The closed-shop principle failed when the unions fell in the "panic" of 1837. Rights for women, too, had to wait long. The other demands were attained fully or in fair measure. Three of them call for fuller treatment.

1. This labor movement was the first clear demand in America that society should put "man above the dollar." Forty years before, the makers of the Constitution agreed

that the end of government was to protect property. But the laborer now demanded, as a right, that the rich should help pay for his children's schooling; that his person should no longer be seized for debt,<sup>5</sup> nor his means of livelihood; and that, when he was creditor, his wages should have a first lien, ahead of other creditors' claims. These demands, disregarding the old "rights" of property, rested on the broad claim that they aimed to advance general human welfare. Many good people called them communistic. But modern society has come to see all this as did the workingmen of the thirties. The laborer's wages, we agree, should have preference over the capitalist's profits. The one may add to the graces of life for the few: the other means life itself, and a decent standard of living, for the many.

2. The demand for a ten-hour day, in place of the inhuman dawn-to-dark day, was long resisted by the employer class as though it would overturn all social order. When the carpenter journeymen of Philadelphia organized in 1827 to get that shorter day (page 488), the employers united in an address to the public, in which: (1) they complained of the attempt to "deprive employers of about one-fifth part of their usual time"; (2) they "regretted" the formation of "a society that has a tendency to subvert good order, and coerce or mislead those who have been industriously pursuing their avocation and honestly maintaining their families"; and (3) they declared their united resolution not to "employ any Journeyman who will not give his time and labor as usual, *inasmuch as we believe the present mode has not been, and is not now, oppressive to the workmen.*"

The strike failed, as did several others in Philadelphia for the same purpose. But public sympathy was won for the cause, and monster petitions began to pour in upon the city

<sup>5</sup>Imprisonment by the state for debt was perhaps less savage, but also less rational, than the ancient practice that permitted a creditor to seize a debtor for a slave.

government to adopt the shorter day for workingmen employed for the city. June 4, 1835, the city council yielded, and private concerns slowly followed this example. In Baltimore, too, the same year, a "general strike" established the ten-hour day for all business, public and private. But, in the Boston district, three great strikes for this object were crushed by irresistible combinations of capitalists pledged publicly to force their employees to keep the old "dawn-to-dark" day.

Success there, and in the rest of the country, came later through the example of the federal government. Van Buren (Jackson's successor) had been closely associated with the New York Loco Focos; and the National Convention of Trades' Unions in 1836 brought all possible pressure to bear upon him, during his campaign for the Presidency. In 1840, as President, Van Buren redeemed his promises. He issued a notable order directing a ten-hour day in the navy yards and in all "public establishments" of the government. During the next ten years ten hours became the regular labor day for artisans and factories throughout most of the country, though in some districts, especially in New England, a twelve-hour day remained the rule down to the Civil War.

3. Foremost in the program of the workingmen stood the demand for free schools supported by public taxes and controlled by the public will. In New England this ancient principle of the Puritans had been largely abandoned, and the surviving public schools were much inferior to private schools. In New York and Pennsylvania (outside Philadelphia, Pittsburgh, and Lancaster County), all public schools were pauper schools—cheap private enterprises for poor children only, supported by appropriations from the county boards. The labor unions protested indignantly against the pauper school, and against any "class" school. They called for a "general and equal education . . . immediately under the control and suffrage of the people," not "as charity . . . but

as of right," "for every child in the State, from the lowest branch of the infant school to the lecture rooms of practical science." They anticipated also the modern demands for the kindergarten and for industrial training.

One more striking illustration of these facts must be added here to those given upon pages 489-491. In February, 1830, a committee of the Philadelphia Mechanics' Union reported to a meeting of "the friends of general and equal education" a long and remarkable statement on conditions in Pennsylvania, with a draft of a bill to correct the evils. Three evenings were devoted by the meeting to discussion of the report, after which it was unanimously adopted. The report was widely copied in labor papers. It protests against the absence of all schools in many districts, the pauper character of such as exist, their limited instruction, and the absence of any attempt to supply a "judicious infant training" for children under five. Their own bill, the committee claim, will extend schools throughout the whole commonwealth; will place them "immediately under the control and suffrage of the people"; and "its benefits and privileges will not, as at present, be limited, as an act of charity, to the poor alone, but will extend equally *and of right* to all classes, and be supported at the expense of all." One paragraph of the report runs:

In a republic, the people constitute the government, and by wielding its powers in accordance with the dictates, either of their intelligence or their ignorance, of their judgment or their caprices, are the makers and the rulers of their own good or evil destiny. . . . It appears, therefore . . . that there can be no real liberty without a wide diffusion of real intelligence . . . and that education, instead of being limited as in our public poor schools, to a simple acquaintance with words and cyphers, should tend as far as possible, to the production of a just disposition, virtuous habits, and a rational self-governing character.

Toward this call for free schools for the people, the capitalistic press adopted a tone of condescending reproof. It re-

mind the workers that more education was already attainable by the poor in America than anywhere else. "Not much more," the poor man was complacently assured, "could ever be expected." "The peasant must labor during those hours of the day which his wealthy neighbor can give to abstract culture: otherwise the earth would not yield enough for the subsistence of all." And again, "Education . . . must be the work of individuals. . . . If a government concern, nothing could prevent it from becoming a political job." Many leading papers reviled the idea of free public schools as "Agrarianism" or "an arbitrary division of property." And one editor deplores the taking away from "the more thriving members" of the working classes "one of their chief incitements to industry,—the hope of earning the means of educating their children." Indeed, it is hard to find any of the hoary arguments, still furbished anew against every democratic proposal, which were not worn threadbare in the thirties in opposition to a free-school system. In a characteristic paragraph, Lincoln effectually buries the aristocratic twaddle and at the same time gives due recognition (as few of our historians seem yet able to do) to the real force back of the demand for free schools:

The old general rule was that educated people did not perform manual labor. They managed to eat their bread, leaving the toil of producing it to the uneducated. . . . But free labor says, "No." As each man has one mouth to be fed and one pair of hands to furnish food, it was probably intended that that particular pair of hands should feed that particular mouth; that each head is the natural guardian, dictator, and protector of the hands and mouth, inseparably connected with it; and that being so, every head should be cultivated and improved by whatever will add to its capacity for performing its charge. In one word, *free labor insists on universal education.*

Here, too, in the end, the gallant fight of the workingmen won success—aided as they soon came to be by democratic political leaders like DeWitt Clinton and Lincoln and by humanitarian reformers like Horace Mann.

## CHAPTER XXVI

### INTELLECTUAL AND SOCIAL ADVANCE

*We will walk on our own feet; we will work with our own hands; we will speak our own minds.*—EMERSON, in "The American Scholar."

*I call upon you, young men, to obey your heart and be the nobility of this land. In every age of the world there has been a leading nation . . . whose eminent citizens were willing to stand for the interests of general justice and humanity. Which should be that nation but these States? Who should lead the leaders but the young American!*—EMERSON, in "The Young American."

THE revival of the common schools was due first of all to the persistent demand by the workingmen, as above discussed. That agitation prepared the ground for humanitarian reformers led by Horace Mann. Through Mann's efforts, Massachusetts created a State Board of Education in 1837 and established the first American Normal School in 1839. Henry Barnard was doing similar work in Rhode Island and also in Connecticut—where one farmer threatened to shoot him for advocating the "heresy of confiscating one man's property to educate another man's child." In one commonwealth after another some hero was found to wage the battle, until, in the forties, a good system of free "common schools" spread over the Northeast.

Meantime the Northwest, where all men were workingmen, was setting up, on paper at least, a *complete system* of free public education, such as the workingmen of the East were vainly asking for. In the West, elementary schools drew some help from the national land grant in the Survey Ordinance (page 273f.), and state "universities" were founded early to save the national grant for "higher institutions of learning"

(page 275). It was natural therefore for the West to try to link primary school and university by public "high-schools," so as to form a complete state system. The constitution of Indiana, in 1816, declared it the duty of the legislature to establish "a general system of education, ascending in regular gradation from township schools to a State University,—wherein tuition shall be gratis and equally open to all." The next year the Territorial legislature of Michigan embodied similar high doctrine in a statute looking toward a state university.

In practice, however, private academies made the chief link between elementary schools and college for two generations more. Even the primary schools were often more imposing on paper than in fact, and in many states the land grants were wasted or stolen by incompetent or venal politicians. Still, by 1840, public schools were frequent enough in the Northwest, as in the Northeast, so that a poor boy with ambition and self-denial could get at least "a common-school education."

And, be it remembered, the common school of that period and of the next half-century gave to young Americans something better than mere ability to read. To all at least who by nature had the necessary quality and capacity it gave, in really marvelous degree, a taste for good reading. Mark Sullivan's treatment of that phase of school influence (in his *Our Times*) has set a high-water mark for this sort of historical inquiry, and the following brief paragraphs on that topic are freely adapted and condensed from his charming hundred and fifty pages.

In the 1830's, the Peter Parley school readers began to give way to a new series of *Eclectic Readers* compiled by William Holmes McGuffey and his brother. These *McGuffey Readers* held the leading place among American school books for some sixty years; and other later series, like the *Na-*

*tional Readers* and *Lippincott's Readers*, were modeled closely upon their excellences. The McGuffeys had a real instinct for literature, and their *Readers* (from the Second up through the Sixth) were made up very largely of skillfully selected passages from a wide range of the best English and American writers. Especially in the early decades—when the average American child found it hard to put his hand upon any books of value—these *Readers* were a source of incalculable good. Many of the older leaders of American life in the early twentieth century have testified to Mark Sullivan that they received more inspiration from them, as boys, than from any other source. In 1927, Governor Lowden of Illinois, writing in this tone, said: "The selections I now recall are 'Thanatopsis,' the 'Battle of Waterloo' [Byron's], Webster's Reply to Hayne, and another 'piece' which concluded something like this: 'Socrates died like a philosopher; Jesus Christ, like a God.'" At the same date, Governor Cox of Ohio said, in an offhand dictated letter, that the "outstanding" things in the old *Sixth Reader* that came at once to his mind were: "Dawn" by Edward Everett; Dickens's "Death of Little Nell"; Gray's "Elegy"; Patrick Henry's Speech before the Virginia Convention; Bryant's "Snow Shower"; the church scene from Longfellow's "Evangeline"; and Antony's Speech over Caesar's body in "Julius Caesar."

The 138 selections in that same *Sixth Reader* (to follow Mr. Sullivan farther) comprised nine from Shakespeare (including Hamlet's "Soliloquy" and "the Fall of Cardinal Wolsey"); four from Scott (including "Marmion and Douglas" and "Lochinvar"); four from Longfellow; three each from the Bible, Bryant, Washington Irving, and Daniel Webster; two each from Whittier, Dickens, Samuel Johnson, and Oliver Wendell Holmes (including, this writer remembers, "The Chambered Nautilus"); Gray's "Elegy"; Milton's "Death of Samson"; Bulwer's "Surrender of Grenada"; Macaulay's "Impeachment of Warren Hastings"; Poe's "Raven"; and Emer-

son's "Value of the Present." With good reason, one noted clergyman wrote that to him those *Readers* were "the very gates of literature ajar." And Herbert Quick (to be quoted more than once in these pages) has a charming passage in which he expresses his feelings in later years when—

I could say as I opened my Shakspeare, my Milton, or my Byron: "Why, don't you remember our meeting away back on the farm in that old book with the front cover torn off? Here's this passage in which the little prince appeals to Hubert de Burgh not to burn out his eyes. I'll just repeat it from memory. No, you're no stranger to me. I don't know much of you, but what I do know I know well!"

Higher education made even more progress than did the common schools. The Western "universities" were paper universities for some time more, but the "small college" multiplied in numbers and grew toward high standards and enlarged usefulness, especially in the Northeast. Amherst, Bowdoin, Dartmouth, Hobart, Williams, in that section, had multitudes of ambitious imitators in the Southern and Northwestern states. Every Southern planter sent his sons to college, as a matter of course—very often to the larger Northern institutions. In proportion to the white population, therefore, the South had more youth in college, down to the Civil War, than any other section.

The higher education of girls, however, was long neglected. (So for that matter, was their elementary education. Susan Brownell Anthony—born in 1820—could not induce her school teacher to instruct her in long division because "a girl could have no use for such knowledge!") But in 1814 Emma Willard opened a "female seminary" in Vermont, offering the first real chance for girls to get what we call a high school education. A few years later she established another in Troy, New-York. Then in 1837, Mary Lyon, a graduate of Troy Seminary, founded Mt. Holyoke College for women.

Soon after this the West began to turn, slowly, to coëduca-

tion in college work. Oberlin College in Ohio, indeed, had opened its doors to women in 1833. Next came Antioch College, some twenty years later, when Horace Mann became President there. In 1855 the University of Iowa admitted women, but, three years later, young women were refused admission at the otherwise progressive University of Michigan.

S

The first real flowering in American literature came just after 1830. America's only earlier distinction in letters had been in political oratory. In this field, from 1812 to 1830, Webster, Clay, and Calhoun sustained the best traditions of the Revolutionary days; and those same years saw also the early work of Irving, Cooper, Simms, and Bryant. All these long continued to grow in fame. And now, between 1830 and 1845, began the public career of Edward Everett in oratory; of Emerson, Hawthorne, Holmes, Longfellow, Lowell, Poe, and Whittier in the literature of creative imagination and spiritual power; of Bancroft, Prescott, Palfrey, and Sparks in historical composition; of Kent and Story in legal commentary; of Agassiz, Dana, Maury ("pathfinder of the seas"), and Asa Gray in science. It was in this period, too, that the work of Audubon (page 391) came to fruition. Noah Webster's *Dictionary* was published in 1828; ten years later, the Smithsonian Institution was founded; and, midway between, appeared the first penny daily, the *New York Sun*.

As Dr. Channing declares, the second third of the nineteenth century in the United States, in this remarkable development in poetry, in fiction, in history, "is without an equal since the days of Shakspeare, Francis Bacon, and John Milton." New England had the chief glory in this literary outburst, but all the old sections shared in it, and the Northwest gave it as eager appreciation as New England itself. (The Southern aristocracy had little sympathy with "Yankee" literature, tinged as most of it was with anti-slavery sentiment, but

clung conservatively to the old English classics and to such moderns as Scott, along with its own representatives in the lists above.)

One of the most indispensable keys to a true understanding of America in the middle third of the nineteenth century is a close acquaintance with this literature. Especially notable is its delight in American themes. And Holmes fitly called Emerson's *American Scholar* "our intellectual declaration of independence." These authors of the thirties gave lovely form to ideals of liberty and justice and the worth of the common man. They were democratic, as well as American, and many of them took leading parts in the reform movements of the time.

The finest part of this literary movement was rooted in a New England religious awakening. Between 1815 and 1830, Unitarianism, fully organized now by William Ellery Channing, had deeply modified New England thought. Unitarianism was an intellectual revolt against the somber and rigid doctrines of the prevalent Calvinistic Congregationalism. It placed hope of salvation not in the dogma of the atonement, but in conduct; it asserted, in opposition to the doctrine of total depravity, that there was essential good in every man, with possibilities of infinite development. It taught, not that man's fate was predestined, but that he was himself master of his fate. At first it was as sternly logical as Calvinism itself, but the Emersonian "Transcendentalists" of the thirties placed emphasis upon its cheering affirmations rather than its denials, and gave the movement a joyous moral enthusiasm. It was both a cause and a result of the progress in democracy. The old Congregationalism had been the fast ally of aristocratic Federalism: Unitarianism was an expression of a democratic age. Differ as they might in external characteristics, Emerson and Andrew Jackson belonged fundamentally to the same era,—the serene prophet of the spiritual worth and

dignity of each soul, and the passionate apostle of political and social equality.

Unitarianism never counted large in numbers, but nearly all the famous names catalogued above were connected with it, and it had captured Harvard. Gradually, it permeated and transformed Calvinistic Congregationalism. A less rigidly intellectual revolt against Calvinism—more emotional than Unitarianism and equally optimistic and democratic—gave rise to Universalism and, especially on the frontier, to a swift growth of Methodist churches and of various new sects such as Campbellites and Millerites. Said Emerson of this “theological thaw,” “’Tis a whole population of ladies and gentlemen out in search of a religion.”

The intellectual and religious ferment of the thirties transformed society. Exact and profound scholarship was still lacking, but an aspiration for knowledge, a hunger for culture, a splendid idealism, became characteristics of American life—until “fattened out,” for a time after 1865, by a gross material prosperity. During that long era, to welcome “high thinking” at the price of “plain living” was instinctive in an almost unbelievably large part of the people. Ambitious boys, barefoot and in threadworn coats, thronged the little colleges, not for four years of a good time, but with genuine passion to break into the fairy realm of knowledge;<sup>1</sup> and their hard-earned dimes that did not have to go for plain food went for

<sup>1</sup> In 1846, a boy of eighteen started for Knox College, at Galesburg, Illinois. By working as a farm hand (he harvested two weeks for a Virgil and a Latin Dictionary), and by teaching school for a few months (and “boarding round”) at eight dollars a month, he had saved up ten dollars. He walked first to Chicago, the nearest town, for supplies, but the unaccustomed temptation of the display in a bookstore window lured him within, and most of his capital went for a few books, which would seem old-fashioned, indeed, to boys of to-day. The remaining cash bought only a pair of shoes and an Indian-blanket coat (with great stripes about the bottom). To save the precious shoes, he then *walked* the two hundred miles from his home to Galesburg *barefoot*. His first day there, he built a fence for the President’s cow pasture, to earn money for textbooks, and found a place to work for his board. This man became one of the notable builders of a Western commonwealth.



*R. W. Emerson*

. . . . A POET OF DEEP BEAUTY  
AND AUSTERE TENDERNESS . . .  
WITH THAT PURE INTELLEC-

TUAL GLEAM DIFFUSED ABOUT HIS PRESENCE, LIKE THE GARMENT  
OF A SHINING ONE.—NATHANIEL HAWTHORNE.

books. The *North American Review* and, a little later, the *Atlantic Monthly* could be seen in isolated farmhouses. English authors of a new sort of genius—Carlyle, Browning, William Morris—as well as English scientists with new teachings, like Darwin and Huxley, reached appreciative audiences in America sooner than at home. It is notorious that Carlyle's long-delayed income from his books came first from reprints in America, managed by Emerson; and many another English book, afterward recognized as epoch-making, found its way into far Western villages, and into the hands of eager young men and women there who had never worn evening dress or eaten a course dinner, long before it penetrated to even the "reading set" at Oxford University. Before 1862, William Dean Howells, then a young newspaper writer in a raw Western town, counted Browning and Thackeray among his favorite authors, but Walter Besant mentions in his *Autobiography* that these authors were not then known to his set at Cambridge University.

A caricature picturing a gaunt New England housewife on hands and knees to scrub, but pushing before her a stand holding an open copy of Emerson to which her eyes were glued, might have been applied, with no more exaggeration, to the strenuous struggle for culture in many a modest home in Kansas or Minnesota. The village sewing society eschewed gossip to listen to one of their number reading aloud while the others plied the needle. Each village had its lyceum, for the winter evenings, with literary programs—readings, declamations, and debates—crude and quaint enough, sometimes, but better than "refined vaudeville." Such villages, too, aspired to frequent courses of lectures—with such Eastern celebrities as Holmes and Everett on the program, and often the proceeds of the lectures were used to start a village library.<sup>2</sup> Twice, on such lecture tours, Emerson penetrated

<sup>2</sup>In 1859, Edward Everett lectured at St. Cloud, a new, straggling village of a hundred houses, in Minnesota. The one-room schoolhouse in which he spoke was promptly named the Everett School, and receipts from the "enter-

beyond the Mississippi, well beyond railroad areas, to be greeted in barn-like "halls" by hard-handed men and women, seated on wooden benches but with eager faces agleam with keen intellectual delight.



Characteristic of this intellectual ferment were the manifold attempts at Utopias set off from ordinary society. New England Transcendentalists tried a coöperative society at Brook Farm (1841), with which Emerson and Hawthorne were connected, and which the latter's *Blithedale Romance* afterward satirized. Robert Owen, who had already attempted a model industrial town in Scotland, founded New Harmony in Indiana, where labor and property were to be in common. Scores of like communities were soon established in different parts of the West, and the old communistic societies of the "Shakers" spread rapidly. Said Emerson, with genial recognition of the humorous side of the upheaval, "Not a man you meet but has a draft of a new community in his pocket."

Peculiar among these movements was Mormonism, with its institution of polygamy. Mormonism was founded at Palmyra, New York, in 1829, by Joseph Smith, who claimed to be a prophet and to have discovered the inspired *Book of Mormon*. Soon the "Latter-Day Saints" removed to Ohio, then to Missouri, and, driven thence by popular hatred, to Illinois, where, in 1841, they established at Nauvoo a "Holy City" of ten thousand people, industrious and prosperous, ruled by Smith after the fashion of an ancient Hebrew tainment" were appropriated for a library which was kept for years in a private home. After the Civil War, a Woman's Aid Society, which had been earning money to send "luxuries" and medicines to sick soldiers, continued its meetings and used its money to enlarge this choice collection of books. There, as a boy, the writer made first acquaintance with Emerson, Thoreau, Carlyle, Marcus Aurelius, standard histories of that day, such as Prescott's *Philip II* and Motley's *Rise of the Dutch Republic*, and the novels of Scott, George Eliot, and Thackeray. This experience was typical. The few books, purchased by real book-lovers, were not yet buried in a mass of commonplace.

"Judge." Three years later, a mob from surrounding towns broke up the settlement and murdered Smith. Then, under the youthful Brigham Young, the persecuted Mormons sought refuge in Utah, vaguely supposed to be a part of Mexico, but remote from any organized government and sheltered from "civilization" by the desert and the Rockies. There their industry built the first irrigation system in America, making the cactus sands to bloom, and they remained in peace until invaded by the rush of gold-seekers to California after '49.

More effective than these attempts at new Utopian societies were a multitude of movements for social betterment within the existing community. Massachusetts, following at last the sixty-year example of Virginia (page 389), founded another public hospital for the insane, and Dorothy Dix spent a noble life in spreading such institutions in other states. Special schools for the deaf and the blind were instituted. States began to separate juvenile delinquents from hardened criminals; and for the criminals themselves more rational and wholesome prison life was attempted. Temperance societies began in Boston in 1824. In 1846, Maine adopted the first state-wide prohibition law. In a little Connecticut town Elihu Burritt started the first American society to work for world peace. The Abolition movement rose and spread, and soon the agitation against slavery became the chief manifestation of this great wave of moral earnestness.

The thirties, too, saw the beginning of a long agitation for Woman's Rights, including coëducation, equality with men in inheriting and owning property, and the franchise.

The legal position of woman everywhere in America was still regulated by the medieval common law. An unmarried woman's earnings and "property" were not hers (any more than a slave's were his), but belonged legally to her father. A married woman's property (unless protected by express legal settlement) was her husband's, and, in many degrading

ways, she was herself his chattel. He had at least as much authority over her, and as much right to punish her, as he had with his children.

Statute law now began faint reform of some of these evils, but it was a long time before women could get a serious hearing for their main demand—the right to vote. Frances Wright, an English woman, and one of the early labor agitators, made the first demand for equal suffrage from a public platform in New York in 1825. In 1848 the first Woman's Rights Convention (at Seneca Falls, New York) adopted a "Declaration of Independence" modeled in form upon the famous document of 1776. Susan Brownell Anthony, Lucretia Mott, Elizabeth Cady Stanton, Julia Ward Howe, were the leading advocates of the reform in those early years, and their cause quickly received support from men like Emerson, Lincoln, Whittier, and Horace Mann. But of the general public, part was shocked and the rest amused. All sorts of ridicule were heaped upon the movement, and the cartoonists of the day found it their favorite subject. Leaders were insulted on the public streets, and their meetings were broken up often by violent mobs. "Votes for women" were not won until after almost a hundred years' crusade.



Mechanical invention began now to revolutionize industry and life, as the industrial revolution reached the farm, the shop, and the home. From the inauguration of Washington to the War of 1812, patents for new inventions averaged less than eighty a year. From 1812 to 1820, they rose to nearly two hundred a year. In 1830 the number was 544, and in 1860 it was nearly 5,000.

These inventions saved time and tended to make life more comfortable or more attractive. A few cases only can be mentioned from the bewildering mass. Axes, scythes, and other edged tools, formerly imported, were manufactured at

home. In 1831 appeared the McCormick reaper which, as improved during the next twenty years, multiplied the farmer's efficiency in the harvest field by twenty, and (along with the general introduction of threshing machines) made possible the utilization of the vast grain lands of the Northwest. Planing mills created a new industry in wood. Colt's "revolver" (1835) replaced the one-shot "pistol." Iron stoves began to rival the ancient fireplace for cooking. Friction matches (invented in England in 1827) were the first improvement on prehistoric methods of making fire. Illuminating gas for city streets improved city morals. In 1838 the English *Great Western*, with screw propeller and with coal to heat its boilers, established steam navigation across the Atlantic—though the bulk of ocean freight continued long to be carried in American sailing ships. The same year saw the invention of the steam hammer and the successful application of anthracite coal to smelting iron. In 1839 a Frenchman, Daguerre, began photography with his "daguerreotypes," and still earlier another French chemist had found how to can foods. In 1842 the anesthetic value of ether, an incomparable boon to suffering humanity, was discovered by Dr. Crawford W. Long<sup>8</sup> of Georgia. The magnetic telegraph, invented in 1835, was made effective in 1844. The third year later saw the first rotary printing press—operated, of course, by steam power. Just before came Howe's sewing machine (patented in 1846), to win some beginnings of leisure for busy housewives, and, in a few years, to create a new factory industry in ready-to-wear clothing. In 1841, America had its revenge for earlier British disdain, when a member of the English cabinet declared in parliament, "I apprehend that a majority of the really new

<sup>8</sup>Dr. Long delayed publication of his discovery, and the same anesthetic was discovered independently in 1846 by a Boston dentist, Dr. W. T. Morton. Meantime, halfway between these dates, another New England dentist, Dr. Horace Wells, had discovered a like use of "laughing gas," and in 1847 a Scotch surgeon first used chloroform as an anesthetic. These discoveries, of course, were an indispensable preparation for the amazing progress of modern surgery.

inventions [lately introduced into England] have originated abroad, *especially in America.*"

The railway deserves a fuller account. Tramways (lines of wooden rails for cars drawn by horses, for short distances) came into use in some American cities about 1807. Then the success of the steamboat gave encouragement to the idea that a locomotive (a non-stationary engine) might be invented to move along such rails and drag wagons or coaches after it. As early as 1811, John Stevens began twenty years of fruitless effort to interest capital in his dream of a steam railway, and Oliver Evans, one of the early steamboat experimenters (page 415), devised a "horseless wagon" that propelled itself, with much noise and smoke, through the Philadelphia streets—without rails. In 1810, Evans wrote, "The time will come when people will travel in stages moved by steam engines . . . almost as fast as birds fly—fifteen miles an hour. . . . Passengers will breakfast at Baltimore, dine in Philadelphia, and sup in New York the same day." Then in 1814, in England, George Stephenson completed a locomotive which was found useful in hauling coal cars on short tramways from mines to canals. Fifteen years later, passenger trains were running from London to Liverpool.

After 1825, the question was much agitated in America, and July 4, 1828, the aged Charles Carroll, signer of the Declaration of Independence, drove the golden spike that marked the beginning of the Baltimore and Ohio. The same year witnessed a score of charters to projected lines; but construction was slow, from lack of experience and of materials, and especially from lack of engineers to survey and construct roadbeds, and it was still thought commonly that about the only advantage of railroads over canals would lie in the freedom from interruption by ice in winter. In 1830 less than thirty miles of track were in use, and this only for cars drawn by horses; but in that year and the next, three steam locomotives

went into use—Tom Thumb on the Baltimore and Ohio Railroad, the DeWitt Clinton on the Mohawk and Hudson, and Best Friend on a South Carolina road. (This last engine—the only one of the three made in America—came to an early and unhappy end because, it is said, of an unfortunate order from the conductor to his negro fireman to sit on the safety valve, so as to get up more speed.)

In the next ten years (1830-1840) the thirty miles of track grew into three thousand. That mileage doubled in the next five years, and that doubled again in the next five. This swift growth is the more astonishing when we understand how imperfect this kind of travel remained during its early years. The rails were of wood, covered with half-inch strips of wrought iron, which often curled up at the ends, causing a frightful jolting and many accidents and derailings. The early "coaches" were merely the old stage coaches with new "flanged" wheels (to aid in keeping them on the track). Passengers on the outside seats had to carry umbrellas to keep off the sparks from the engine, which, however, often managed to set fire to their clothing. John Quincy Adams took his first journey by rail in 1833, and boasts of the "amazing" speed of 16 miles in 50 minutes, but adds, "We had flakes of fire floating about us in the car the whole time."

Before long, many improvements appeared—heavier rails, larger and more comfortable coaches, safer brakes. Engines changed in shape and size and gained in speed and safety. By 1850, the railroad had begun to outrun settlement—forging ahead "to sow with towns the prairie broad," creating the demand that was to feed it.

In 1830, no rational person could have believed it possible to operate long lines of railroad as they were to be operated in 1850—trains following one another in swift succession at thirty miles an hour and running both ways, perhaps, on a single track. And it would have remained impossible, no

matter how improved roads and engines, except for the invention of the telegraph, which came just in time to provide a reasonably safe system of train-dispatching.

In its turn, the railroad made possible the continued expansion of the industrial revolution, which must soon have suffered an almost complete check except for the new methods of transportation. Of course, the workers who thronged from farms into factories could not have been spared from their earlier task of producing food if new machinery had not reached the farm, to do their old work there. But to feed the new factory cities, more was necessary than merely to raise the food on the farm: it had to be carried to the cities—and that is where the railroad came into the circle of development. Two hundred years ago, travelers complained bitterly that the roads near London (one-tenth the size of the present London) were almost hopelessly blocked for miles by the vast herds of cattle and hogs and sheep, and the flocks of ducks and geese, that were being *driven* in from all parts of England for the next day's dinners. The London of today could not possibly have had food enough brought it in any such way. Even our cities of 1830 could not have gone on growing much longer (so many of them, near together) if the revolution in producing goods in city and on farm had not been accompanied by an equally striking revolution in transporting them.

## CHAPTER XXVII

### "THE REVOLUTION OF 1828"

*Jeffersonian democracy had taught that the people should be governed as little as possible: Jacksonian democracy taught that the people might govern as much as they liked. The old democracy had felt unsafe unless it had trained and cultured "gentlemen" for its leaders: the new democracy distrusted leadership by any but "men of the plain people."*—Condensed from the chapter below.

#### MANHOOD SUFFRAGE AND NEW LEADERS

THE victory of Jackson in the nation was the result of a victory that less-known men had been winning in the states. It could not have happened, except for a recent extension of the franchise. At Washington's first election, manhood suffrage was found in none of the thirteen states. At Jefferson's, it was practiced only in Kentucky, Vermont, and New Hampshire, out of the sixteen states. By 1824, it had become established in ten of the twenty-four commonwealths, and five others had removed all but the slightest checks upon it.<sup>1</sup>

These reforms had been carried against vehement protest by the elder statesmen. The aged John Adams and the stalwart Webster made stubborn resistance in Massachusetts. In New York, Chancellor Kent, great lawyer and noble man, pleaded with the constitutional convention not to "carry desolation through all the fabric erected by our fathers," or "put

<sup>1</sup> Of the eleven new states, eight had manhood suffrage, and the restrictions in the other three were nominal. Five older states, too, had followed in the footsteps of the progressive West. New Hampshire (really a frontier state) adopted manhood suffrage in 1792; Maryland, in 1810; Connecticut, in 1818; and in 1821 Massachusetts and New York reduced their property qualifications to payment of a tax or service in the militia.

orth to the world a constitution such as will merit the scorn of the wise and the tears of the patriot." In Virginia (1830), only a slight gain was made, since Marshall, Madison, and Randolph, ancient foes, joined hands to keep 80,000 white citizens from the franchise.

Everywhere but in the West, leadership in the old party of Jefferson had fallen into the hands of aristocrats. With striking unanimity, North and South, such leaders now publicly denounced the battle cry of Jackson—"Let the people rule"—ominous of the "tyranny of mere numbers," or queried in dismay, with that gracious gentleman, Judge Gaston of South Carolina, "What then is to become of our system of checks and balances?" In the federal presidency itself, Monroe and Adams had brought back the pomp and ceremonial against which Jefferson had contended.

The election of Jackson then, even more than that of Jefferson, marks a true "revolution" in American society—typified most clearly by the new leaders it tossed to the top. It was the victory of a new radical democracy, untrained, led by "men of the people," over the moderate democracy of Jefferson, led by trained, leisured, cultured "gentlemen."

The first six Presidents, whatever their ideas about government had all belonged to old and aristocratic families (Jefferson, only on his mother's side, to be sure). The two Adamses had represented the rich merchants of New England, while Washington, Jefferson, Madison, and Monroe had been wealthy Virginia planters. All had had long training in political office. Each, except Washington, had been minister to some important European court and Secretary of State at home. No one of the six knew the life of the plain people at first hand.

Jackson was the opposite of all this. He was born of Scotch-Irish parents in a backwoods county of South Carolina, and passed his boyhood as an orphan in extreme poverty. He

managed to pick up the scraps of knowledge then necessary to practice law, and, as a young man, he removed to the newer frontier in Tennessee. For that rough district he was a natural leader. By shrewd and prompt seizure of opportunities, he acquired considerable property and became a prominent "planter," though in manner of life he remained undistinguishable from any small farmer. In 1797, Tennessee sent him as her first Representative to Congress. At that time, however, he seems to have been little suited to life at Washington. Gallatin noticed him only for his uncouth dress and manner—unkempt hair tied in an eel-skin cue—and Jefferson was disgusted by the "passion" that "choked his utterance." Nor are allusions wanting to unpleasant accompaniments of his tobacco-chewing.

Soon, however, Jackson found his place as a military leader and Indian fighter, and in a few years he returned to politics as a more imposing figure—the natural spokesman of Western democracy. "Old Hickory" remained spare in person, from the active and abstemious living of the frontier. His hair was now a silvered mane. His manner was marked by stately dignity, and, toward women, by true courtliness. To numbers of conservative Americans, too, it was a comfort to know that at last they had a President who read the Bible devoutly, chanted Watts' doleful hymns contentedly, and began the day with family prayer.

Beneath Jackson's improved exterior, however, there survived reminders of his scalping-knife days. At the conclusion of his Presidency, he expressed his regret, with heart-felt earnestness, that he had "not found a chance to shoot Clay or hang Calhoun," and to the end of his days he took grim pride in displaying the dueling pistol with which he had killed an opponent several decades before. Even as President, he remained as pugnacious and self-confident as ever, apt to jump to conclusions and stubborn in clinging to them. A choice bit of contemporary satire makes him say, "It has al-

ways bin my way, when I git a notion, to stick to it till it dies a natural death; and the more folks talk agin my notions, the more I stick to 'em." He was sure of his own good intentions, and, with somewhat less reason, of his good judgment. He trusted his friends (not always wisely chosen) as himself, and he was moved by an unconscious vanity that made it easy for shrewd men to play upon him; but, withal, he had sound democratic instincts, hating monopoly and distrusting commercial greed and all appeals from it for alliance with the government, and believing devotedly in the "sovereignty of the people," a sovereign who "could do no wrong."

### RESULTANT CHANGES

The wider suffrage which had put this "man of the people" in the presidential chair soon brought other changes also into American public life.

1. Jeffersonian democracy had feared government: Jacksonian democracy was eager to use it. The old democracy had taught that the people should be governed as little as possible: the new democracy taught that the people might govern as much as they liked. More—drunk with its victory, democracy began to insist not merely that majorities ought to be supreme, as the best policy, but even that majorities were always right: "Vox populi, vox dei!"

2. The franchise was used more directly. In an increasing number of states, the governors and judges were chosen by the people instead of by the legislatures. So, too, of presidential electors: in 1800 ten states of the sixteen chose electors by the legislatures (see page 327 also); but in 1828 only two of the twenty-four did so.

3. The presidency gained power. As President, Jackson felt himself the embodiment of the nation's will, "the chosen Tribune of the People," and he seized so masterful a control of Congress that all Presidents since have felt themselves pos-

sessed of rightful power never claimed by Washington. One symbol of this change was the growth of the veto. The preceding six Presidents together had vetoed nine bills—all on constitutional grounds: Jackson hailed twelve vetoes on the astounded Congress to control general policy, besides using freely the “pocket veto,” which no former President had ventured to do.

The democratic advance in the United States coincided in time with a like movement in the Old World. In 1830 the “Second French Revolution” replaced the last French “divine-right” monarchy by the constitutional kingship of Louis Philippe and led to the creation of a free Belgium with an exceedingly liberal constitution. And in 1832 the “First Reform Bill” in England doubled the number of voters and began a long era of marvelous social reform. But these reform tendencies produced very different results upon the executive branches of government on the two sides of the Atlantic. The struggle over the Reform Bill in England was accompanied by the final establishment of true “cabinet government” and “ministerial responsibility” to parliament. In that country, as in other free European lands since, the old hereditary executive became a thing of forms and ceremonies, while real executive power was grasped by a more or less informal committee of the representative legislature. But in America, where both executive and legislature emanated from the people, the executive at just that same time was elevated far above the legislative branch of government.

4. A larger part of the voters came to the polls than before. Pennsylvania cast 47,000 votes in 1824, but 150,000 in 1828. In Massachusetts only one man in 19 went to the polls in 1824; but after 1828 the proportion was rarely under 1 in 8.

5. Property qualifications for office disappeared, and test oaths, in the states, were abolished, so that Jews and Catholics could hold office.

6. The union of state and church in Connecticut and Massachusetts (page 232) was overthrown.

7. The greater democracy in politics brought social changes also. After the extension of the suffrage in Connecticut in 1818, it was noticed that public officers ceased to wear cockaded hats, powdered wigs, or knee-breeches and silk stockings.

8. The "spoils system" degraded the civil service. Since Jefferson's first election there had been no change of party, and, until 1824, no factional contest within the dominant party. Accordingly, there had been no occasion for sweeping changes among officeholders. In 1820, Senator Crawford of Georgia had secured a "four-year tenure-of-office bill," providing that a great number of offices should thereafter always become vacant four years after appointment. Adams, with high-minded dignity, refused to take advantage of this legal opportunity to punish adversaries and hire supporters. Instead, he reappointed all fit officials affected by the law, and made altogether only twelve removals during his term—which was one reason why he had only one term. The law remained, however, a keen weapon for less scrupulous men.

Jackson, indeed, needed no new weapon: the powers of the President under the Constitution were enough for him. His enemies were, to his mind, the nation's enemies; and he was controlled by friends who brazenly proclaimed the doctrine, "To the victors belong the spoils of the enemy." This policy had already been adopted by the new democracy in some state governments—notably, in New York. So Jackson men from distant states hastened to the Capital to attend the inauguration and press claims to appointments. Never had Washington seen such a horde of hungry politicians. More than one historian has sharpened his pen to picture caustically "the scrambling, punch-drinking mob which invaded Washington at the inauguration, crowding and pushing into the White House, tipping over tubs of punch and buckets of ices, standing with muddy, hobnailed boots on the damask furniture."

Survivors from the Jeffersonian day, which now by comparison seemed courtly, shuddered with disgust as they lamented this reign of "King Mob." Nor did all the throng have to return home disappointed. In the preceding forty years of the government, there had been less than two hundred removals from office for all causes. In his first term, Jackson made two thousand. But this was far too moderate to content the multitude. This policy of spoils was the nation's sin, rather than the President's, and the nation was to suffer for it for two generations.

9. The enlarged vote called for new political machinery. Each party created a hierarchy of permanent committees to manage its interests. From a national committee there radiated downward the many state committees. From each of these branched the committees for the counties and Congressional districts of the state; and from these, the committees for the precincts in the smallest voting units. And soon this committee system was interwoven with a convention system. The division into parties had made it advisable to agree upon candidates for President in advance of the campaign—something never contemplated, as we have seen, by the Constitution. For a while this was accomplished by the Congressional caucus (page 347). But at such a caucus the members were Congressmen who had been chosen two years before, on wholly different issues. Men resented it that such uncommissioned "representatives" should presume to speak for the party on this vital matter, and the repute of "aristocratic King Caucus" completely vanished in the campaign of 1824 (page 476). The same causes which discredited the Congressional caucus for the nation had also discredited legislative caucuses for nominating state officers; and New York and Pennsylvania had devised state conventions, chosen in party gatherings in the various election districts. This step was extended to the nation at large in the campaign of 1832.

The new and complex machinery called for an immense body of workers—"more people," said a competent authority thirty years ago, "than all the other political machinery in the world." It was natural, therefore, that its development should have gone along with the appearance of the spoils system to pay the necessary recruits.

10. Quite as naturally the new machinery created "bosses," to direct it. In theory, the political machinery was to represent the people's will. In practice, among a busy, optimistic people, it was admirably fitted to fall into the hands of "professionals." For half a century, while the system was at its worst, the average citizen (unless with an "ax to grind") largely withdrew from all political duties, except that of voting for the names put before him. Officeholders of various grades managed the committees of the party in power; and expectants for office managed those of the other party. Such conditions gave a low tone to politics. A campaign, to the most active participants, was dangerously like a struggle for mere personal preferment. "Ward heelers" and the lowest grade of active workers, taking orders from a city boss, managed ward and precinct primaries. The professionals were often the only voters to appear; and if other citizens came, they found the chairman, judges, and printed tickets all arranged for them by the "machine." The managers were usually unscrupulous players of the game, and, at a pinch, did not hesitate to "pack" a meeting in order to secure the election of their delegates. Arrived at state or county convention, such delegates, with disciplined obedience, put through the "slate" drawn up in advance by the bigger bosses—who commonly had arranged all details with a nicety and precision found until recently in few lines of business.

The big boss was not always an officeholder. His profit often came in indirect ways and sometimes in corrupt ways. Corporations wishing favors or needing protection against

unfair treatment were willing to pay liberally the man who could secure their will for them. Often the bosses of opposing parties in a state have had a perfect understanding with each other, working together behind the scenes and dividing the plunder. Corruption and special privilege have always been strictly "non-partisan."

II. This "boss" system gave new importance to the President's "patronage." It soon became the rule for him to nominate postmasters and other federal officeholders only on the recommendation of the Congressman of the district, if he were of the President's party, or of the "boss" who expected to become or to make a Congressman. The Congressman uses this control over federal patronage to build up a personal machine, so as to insure support for his reelection. And the practice gives a powerful weapon to a strong President, who is often able to coerce reluctant Congressmen into being "good" by hesitation in approving their recommendations for office.

## CHAPTER XXVIII

### "THE REIGN OF ANDREW JACKSON"

#### SECTIONS AND LEADERS AND THE BANK

JACKSON had two-thirds of the electoral votes in 1828,—every one south of the Potomac, all west of the Appalachians, and also (thanks to the labor vote) those of Pennsylvania and New York. The question for his opponents was whether the alliance of West and South could be broken. Those two sections were still united against the capitalistic East by their bitterness toward the Bank and the Supreme Court, but neither Bank nor Court at this time was in "practical politics." The pressing problems concerned protection, nullification, and the public lands—until Jackson tricked his foes into making the Bank the main issue.

The North Atlantic section insisted on a continuance of high protection. But in the South and Southwest, college boys formed associations to wear homespun, as a protest against the manufacturers' tariffs, and during 1828–1829 every legislature from Virginia to Mississippi had declared for secession or nullification if the tariff policy were not radically changed. The Northwest, not very insistent either way on the tariff, was devoted to the Union, which the South now threatened; but, in opposition to the East, it was even more devoted to securing a freer land policy, to attract new settlers and to protect old settlers against tribute to Eastern speculators—and here it could hope for support only from the South.

This land reform was championed in Congress especially by Thomas H. Benton, Senator from Missouri and the devoted follower of Jackson. The other great leaders of the time were

the trio Calhoun, Webster, and Clay, who had filled the public eye since 1816—each representative of a distinct section.

Calhoun, of strict Calvinistic training, keen in logic, austere in morals, was no longer the ardent young enthusiast for nationality that he had been just before and after the War of 1812. He had reversed his stand on the tariff, to go with his section. He was the chief spokesman of the Southern planters and the most powerful advocate of the right of nullification. He still loved the Union, but he believed it could be preserved only by making it elastic enough so that the states might nullify federal laws.

Webster was a majestic intellect and a master in oratory. He, too, had reversed his stand on all leading questions, to go with *his* section. He was the champion of the manufacturers, and, from an advocate of states rights in the War of 1812, he had become the great defender of the Union.

Clay, impetuous, versatile, winning, was the only one of the three who still held his old positions on leading questions. Until 1820 he had been supreme in the West. After that time he had lost influence because of his support of the Bank (on which subject he too had changed, but *against* his section), and his alliance with Adams in 1824 had still further undermined his popularity. Still he remained the only leader who could at all withstand Jackson in the West, and not even Jackson won such devoted personal enthusiasm.



The "Bank of the United States," like its predecessor from 1791 to 1811, was one of the two or three greatest money monopolies in the world at that time. It had special privileges not open to other individuals or corporations. It had vast power, too, over state banks and over the business of the country: at a word it could contract the currency in circulation by a third. The Bank had used its tremendous power for the advantage of the country in ways that Jackson could

not appreciate; but at any time it might use its power in politics—and this danger Jackson did feel vividly.

The Bank's charter was not to expire until 1836, and Jackson's term was to end in 1833. But in his first message to Congress (December, 1829) he called attention to the fact that within a few years the Bank must ask for a new charter, and asserted that "both the constitutionality and the expediency" of the institution were "questioned by a large part of our fellow citizens." Clay seized the chance to array the Bank against Jackson, and persuaded Biddle (the Bank's president) to ask Congress *at once* for a new charter. The bill passed, and Jackson vetoed it (July, 1831), declaring the Bank's control of the country's money a menace to business and to democratic government. And this time, despite the decision of the Supreme Court in 1819 (page 473), he flatly called the Bank charter unconstitutional.

Jackson's foes were jubilant. Webster and Adams both declared that the "old Indian fighter" was in his dotage; and Clay and Biddle printed and circulated 30,000 copies of the veto as a campaign document to defeat his reëlection. It proved an admirable campaign document—for Jackson. In the election of 1832 the foremost question was Jackson or the Bank. The President was a novice in politics, but he had outplayed the politicians and selected the one issue that could keep his old following united. The West and Southwest hated the Bank and loved Jackson; the old South at least hated the Bank; and once more the workingmen of the Eastern cities declared vehemently against all monopolies. The Bank went into politics with all its resources, open and secret. In particular, it made loans on easy terms to fifty members of Congress; it secured the support of the leading papers—one old foe becoming an ardent supporter after receiving a \$50,000 loan; and it paid lavish sums to political writers all over the country to attack Jackson.

Jackson was reëlected by 219 electoral votes, to 49 for

Clay, and he received a larger part of the popular vote than any President had had since Washington. For the first time, a President had appealed to the nation over the head of Congress. It was in this campaign of 1832 that the National Republicans (page 477), complaining of Jackson's attempts to dominate Congress, took the name Whig—which in England had long indicated opposition to royal control over parliament.

### TARIFF REFORM OR NULLIFICATION

Meantime, the question of protection or nullification was pressing to the front. In the summer of 1828, while the South was seething with talk of secession (page 521), Calhoun had brought forward what he thought a milder remedy for the injustice of the tariff. This was his theory of nullification, presented to the South Carolina legislature in his famous Exposition. That paper argued (1) that the tariff was ruinous to the South; (2) that "protection" was unconstitutional; (3) that, in the case of an Act so injurious and unconstitutional, any state had a constitutional right peacefully to nullify the law within her borders, until Congress should appeal to the states and be sustained by three-fourths of them—the number necessary to amend the Constitution and therefore competent to say what was and was not constitutional.

The legislature approved the document and gave it wide circulation, but other Southern states hesitated to commit themselves fully, and all welcomed Jackson's election in 1829 as promising an easier remedy. Jackson's first inaugural declared his wish to show "a proper respect for the sovereign members of our Union"; and he was supposed to dislike the existing tariff. Under these conditions, the South hoped that relief might come without its taking extreme measures. During 1828-1829, Southern leaders pressed upon Jackson unceasingly the need of securing new tariff legislation. Then,

unexpectedly, the question of nullification was argued in "the great debate" on the floor of the Senate (January 19-29, 1830).

Senator Foote of Connecticut had voiced Eastern jealousy of Western growth by a resolution to stop the sale of public lands. The Westerners resented vigorously this attack on their development. Benton gladly seized the chance once more to set forth his plans for preëmption laws and other schemes to make easier the way for the pioneer. But soon the debate ranged far from the original matter. Senator Hayne of South Carolina denounced warmly the East's selfishness, pledged to the West the continued support of the South, and at the same time sought to draw the West to the doctrine of Calhoun's Exposition. Webster adroitly soothed the fears of the West by securing a vote to table Foote's resolution—but first he replied to Hayne's argument for nullification in two magnificent orations, stripping bare the practical absurdity of the doctrine, and portraying in vivid colors the glory of American nationalism. Webster argued that the Constitution made us a nation. To strengthen this position, he maintained that as one nation "we, the people of the United States" had made the Constitution. Here facts were against him (page 325), but this historical part of his plea was really immaterial. The vital thing was not the theory of union held by a departed generation, but the will and needs of the throbbing present. And when he argued that the United States was now one nation, and must so continue, he gave deathless form to a truth which, inarticulate before, had yet been growing in the consciousness of the progressive North and West. Webster's peroration—a brilliant picture of the manifold benefits of the Union—closed with a glorious flight of emotional eloquence which was to count, in years to come, for more than argument and more than armies. Says Professor MacDonald (*Jacksonian Democracy*, 111): "Hayne argued for a theory, which, however once widely held, had been outgrown, and which

could not under any circumstances be made to work. Webster argued for a theory, which, though unhistorical in the form in which he presented it, nevertheless gave the Federal government ground on which to stand. The one . . . looked to the past, the other to the present and future. Both were statesmen; both loved their country: but Hayne would call a halt, while Webster would march on."

The Southern leaders now arranged a Jefferson Day banquet at Washington (April 13, 1830), at which the toasts were saturated with state sovereignty. Jackson, the guest of honor, startled the gathering by proposing the toast—"Our Federal Union: it must be preserved." And soon he took advantage of several other opportunities to declare that he would meet nullification with force. Jackson, however, did now recommend revision and reduction of the tariff; but he failed for two years to get what he wanted. Clay thought he could defy both Jackson and Calhoun; and a new "tariff of 1832" removed only the absurd atrocities of 1828, returning to about the basis of 1824. This merely strengthened the principle of protection, and gave no relief to the South.

The South Carolina Congressmen then called upon their people to decide "whether the rights and liberties which you received as a precious inheritance from an illustrious ancestry should be surrendered tamely . . . or transmitted undiminished to your posterity." During the national campaign for Jackson's reëlection, a strenuous state campaign in South Carolina elected a legislature which by large majorities called a state convention. Jackson, meanwhile, strengthened the federal garrison at Fort Moultrie in Charleston harbor.

After five days of deliberation, the convention (November 19), by a vote of 136 to 26, adopted an Ordinance of Nullification, declaring the tariff laws void within South Carolina, and threatening war if the federal government should attempt to enforce them. Jackson issued an admirable proclamation

to the people of South Carolina, warning them of the peril into which they were running, and affirming his determination to enforce the laws—by the bayonet if necessary. But to Congress, a few days before, he had once more commended further revision of the tariff. The legislature of Virginia, at the suggestion of members of the Cabinet, urged compromise. Clay now felt the whole protective system endangered, and joined hands with Calhoun to draw a tariff bill acceptable to South Carolina—providing for a reduction of the duties in the tariff of 1832, to be made gradually, so that by 1842 no rate should exceed 20 per cent. This was a return to something lower than the practice in 1816.

On March 1, 1833, Congress passed both this compromise tariff and a Force Bill giving the President forces to bring rebellious South Carolina to obedience; and the President took what satisfaction he could get by signing the Force Bill a few minutes sooner than the Tariff Bill. March 11, the South Carolina convention reassembled and rescinded the nullification ordinance. Both sides claimed victory. South Carolina certainly had not yielded until she got all she had asked.

Whatever victory the President might possibly have boasted in South Carolina he weakened by permitting Georgia to nullify a treaty of the United States and a decision of the Supreme Court. Georgia had enacted laws regarding certain lands which United States treaties declared to be Indian lands. A missionary to the Indians disregarded these pretended laws, and a Georgia court sentenced him to imprisonment for four years at hard labor. In March, 1832, the Supreme Court of the United States declared the Georgia statute void and ordered the release of the prisoner. "Well," exclaimed Jackson, "John Marshall has made his decision. Now let him enforce it." The missionary served his term.

Jackson's conduct in the two cases is partly explained by

the fact that in one case he hated Indians, while in the other case he hated Calhoun—who, he had recently learned, had tried, years before, to have Monroe censure him for exceeding his military authority. Moreover, Georgia's success humiliated only John Marshall, whom Jackson disliked: South Carolina would have humiliated the authority of the President of the United States—who happened just then to be Andrew Jackson.

### THE BANK AND THE PANIC

Jackson took his reëlection in 1832 as a verdict from the people against the Bank. Its charter had three years still to run, but in 1833 the President insisted that the Secretary of the Treasury should thereafter deposit government funds, as they came in, with certain "pet" state banks instead of with the National Bank. Two secretaries had to be removed before he found one willing to take this step, and the Senate, still controlled by the hold-over Whigs, passed a formal censure of the President—which his followers some months later managed dramatically to have expunged.

The "dying monster," as Jackson men called the Bank, fought savagely. Indeed it did not believe it was dying. Biddle was confident he could force a new charter through Congress over Jackson's veto. August 1, 1833, he ordered the twenty-six branch banks to call in loans and reduce their bank-note circulation, so as to make "hard times," claiming, of course, that such contraction was necessary because of the loss of the government deposits. In the midst of a prosperous year, a short, sharp panic followed, manufactured heartlessly by the money power. The harvest was abundant; but the lack of the usual credit was felt cruelly in the South and West, where large amounts of money were always needed at that time of year to "move" cotton and grain to Eastern markets. Interest rose from 6 and 8 per cent to 15 and even to 24

per cent; and farms and crops went for a song under the auctioneer's hammer. Delegations of business men rushed to Washington to urge Jackson to surrender.

Jackson, however, refused sturdily to subordinate the nation's plainly expressed will to the power of a moneyed corporation; and soon both Congress and public opinion deserted the Bank. In 1834, Biddle gave up the struggle. The Bank applied to Pennsylvania for a charter as a state bank. Meantime, it returned to its old policy in loans and circulation, and business became normal at once.

This grisly matter might at least have warned the nation that its credit was overinflated. The warning was ignored; and, three years later, in 1837, natural causes brought on a real financial crisis.

Since the War of 1812, state banks had doubled in numbers and in capital and bulk of loans without enlarging the total of gold and silver on hand. Many of them, especially in the South and West, were "wild-cat" banks, weak and recklessly managed. No state had yet learned how to guard its citizens against such abuses. Other lines of business were equally reckless. The people, especially in the South and West, bought their daily supplies "on credit" from the store; the storekeepers had bought the goods on long time from Eastern wholesalers; and these in turn had bought on credit from the factory or the foreign merchant. All this was perhaps necessary; but it encouraged extravagance. Less excusable was the universal rage to invest in land and to speculate in stocks—on credit, loaned largely by the unreliable state banks. And after 1834, the "pet" banks, in which the government deposited funds, felt able to loan more freely than ever before.

The orgy of building roads and canals, too, was in full swing (page 459). The West secured only a small part of what it had hoped for in the way of internal improvements

from the federal government; <sup>1</sup> but, confident in its future, it was pushing canals and even railroads into the wilderness. Often this was done wastefully, and in any case such money was "sunk" where it could pay no interest for many years. Illinois, with half a million people and a quarter of a million of dollars for its yearly revenue, bonded itself for roads and canals to the amount of \$14,000,000.<sup>2</sup> In 1820 state debts all together were under \$13,000,000: in 1840 they were \$200,000,000, mainly owed to European capitalists who drew \$12,000,000 interest yearly from America.

There was one other federal measure that scattered more widely the infection of overinvestment. In 1835 the national debt was paid off, and a surplus was piling up in the Treasury at the rate of \$35,000,000 a year. Half this income came from the tariff, which the government was pledged not to disturb until 1842 at least, while the other half came from the public lands, and the West would not listen to any suggestion for shutting down on those sales. Accordingly, the government decided to divide this surplus among the states. The money then found its way, as state deposits, into state banks and into the same round of speculation. (To avoid constitutional scruples, this gift to the states was called a "loan without interest." Twenty-eight million dollars were distributed. Then the "panic" seized the country, and before the end of 1837 the Treasury was trying to borrow money for necessary expenses. No call, however, was ever made upon the states for a return of the "loan.")

Jackson finally became alarmed at the rapid sale of public lands, paid for in paper only; and his famous "Specie Circular" ordered federal land offices to accept only gold and silver (July, 1836). This was unmistakable notice to the country that the

<sup>1</sup> Jackson did not think such aid constitutional, and vetoed a number of bills. Still, in one way or another, more money was appropriated for such improvements during his administration than in any preceding one.

<sup>2</sup> Morse's *Lincoln* (I, 53 ff.) gives a quaint account of this fever, with which Lincoln's early legislative career was connected.

vast bulk of its currency was dubious in value,—and no doubt it hastened the crash which was about due.

### VAN BUREN'S FOUR YEARS

Martin Van Buren, of New York, Jackson's faithful counselor and political heir, was elected to the Presidency that fall, in time to reap the whirlwind. In May, 1837, every bank in the country suspended specie payment, and great numbers closed their doors. Gold and silver went into hiding, and bank paper depreciated in fantastic and varying degrees in different parts of the country, but everywhere ruinously. Merchants failed; factories closed down; unemployed thousands faced starvation. The labor movement was crushed out. Normal conditions were not restored for five years.

Van Buren saw his chance for a successful administration ruined by the disaster, but he met the situation with calm good sense. His message to Congress pointed out the real causes of the panic and the slow road back to prosperity. Meantime, for the government funds, he recommended an Independent Treasury (independent of all banks). In 1840 this plan was adopted, though for some years the Whigs fought desperately to revive their pet scheme of a National Bank. The government built itself great vaults at Washington and other leading cities, and until recently the national funds were handled solely in these, under the direction of the Treasury.

The two other great measures of Van Buren's four years were the ten-hour order (page 493) and a preëmption law.

By 1830, the sale of public lands was bringing in as much money as the tariff. The revenue was not then needed; and the well-to-do classes in the Eastern states felt that the lands ought to be sold more slowly, so as, eventually, to produce more revenue when there might be call for it. The new states stood for a different policy. They looked upon the public

lands not as a source of revenue, but as a source of homes and as a means of developing the country, and were ready even to give them away, in order to encourage rapid settlement. The workingmen of the North Atlantic section threw their weight overwhelmingly into the same scale. As early as 1828 the Mechanics' Free Press, a leading labor paper, circulated a memorial for signature among its constituency, urging Congress to place "all the Public Lands, without the delay of sales, within reach of the people at large, by right of a title by occupancy only," since "the present state of affairs must lead to the wealth of a few," and since "all men . . . have naturally a birthright in the soil." And says Dr. Commons:

The organized workingmen . . . discovered that the reason why their wages did not rise and why their strikes were ineffective was because escape from the crowded cities of the East was shut off by land speculation. In their conventions and papers, therefore, they demanded that the public lands should no more be treated as a source of revenue to relieve taxpayers, but as an instrument of social reform to raise the wages of labor. And when we, in later years, refer to our wide domain and our great natural resources as reasons for high wages in this country, it is well to remember that access to these resources was secured only by agitation and by act of legislation. Not merely as a gift of nature, but *mainly as a demand of democracy*, have the nation's resources contributed to the elevation of labor.

For a while in the thirties, the Democratic party in the West urged that each state should be *given* all the public domain within its borders. To steal this Democratic thunder and to head off this plan, which would have destroyed all uniformity in dealing with public lands and wiped out a powerful bond of national union, Clay now advocated that all *proceeds* of public-land sales should be distributed among the states in proportion to their Congressional representation. His first bills failed, but, with the return of prosperity in 1841, he carried a law with three features: (1) it divided among the states (for a limited time) 90 per cent of the proceeds of the

land sales; (2) it inaugurated the policy, since maintained, of giving to each new state<sup>3</sup> a liberal amount of lands to form a state fund for internal improvements, and it also doubled the earlier land grant for public schools (page 274); (3) it contained the famous provision (championed by Benton for twenty years) which gave to the whole law its name "The Preëmption Act." This section of the law provided simple means by which the settler might "file" upon a piece of land in advance of the regular sale, and so "preëempt" the privilege of retaining it at the minimum price when the sale came on.

### THE WHIG INTERLUDE AND THE TARIFF

The Whig fiasco of 1841-1845 is told most conveniently at this point. The campaign of 1840 marked the final disappearance from American politics of all avowed belief in aristocracy. The two parties rivaled each other in proclaiming devotion to the will of the people, and the Whigs won because their clamor was the loudest and because the Democrats were discredited by the panic, just passing away.

In a far less pleasing way, the Whig choice of a standard-bearer was also significant of a new day. The leading Whig champion in all the contests since he himself (foremost among a small group) had organized the party, was Henry Clay. He was still in his full vigor. He was identified with every principle the party had ever stood for (and there was the rub), and even, far more than any other Whig leader, with their new desire to cultivate the favor of the West and of the working classes. He ardently desired and confidently expected the nomination. But the Whig politicians passed him by, just because of these things that should have recommended him to honest statesmen, in order instead to seek a candidate whose position should be unknown on any question of the

<sup>3</sup> Similar grants were provided also for those of the older states which had not already had a liberal control over the lands within their borders.

day—and who therefore would have no “antagonisms” to overcome. William Henry Harrison, victor of Tippecanoe thirty years before, seemed to them “available,” partly because of his military “glory” (merely, respectable, as it was), but more because of his colorless personality politically. Biddle, high in Whig councils, insisted especially that, even after nomination, Harrison must not commit himself on any political question by either written or spoken word!

The first half-century of the Republic had seen no previous instance of this shifty policy, though possibly, like the spoils system, it was sure to crop out at some point in popular government. Inevitably it was to mean a low tone in public life, and the nominal leadership, at too many periods, of second and third-rate men.

Even more remarkably, the Whigs took as their candidate for Vice President an outspoken member of the opposite party—John Tyler of Virginia, an advocate of the states-rights Democracy that all Whigs condemned, but “available” because he was hostile to Van Buren.

Then to this cowardly Whig policy there fell a piece of wholly unearned luck. Some Democratic speaker, early in the campaign, referred contemptuously to Harrison as a rude frontiersman fit only to live in a log cabin and drink hard cider. The Whigs turned this slur into ammunition. They had no official platform, but they swept the country in a “Hurrah Boys” campaign for “Tippecanoe and Tyler, too”—the chief features being immense mass meetings in the country and torchlight processions in the cities, with both sorts of entertainment centering round log cabins<sup>4</sup> and barrels of cider.

Harrison carried twenty states, to six for the Democrats, and his party secured a working majority in both Houses of Congress, but the victory was futile. The new President died

<sup>4</sup> Quaintly enough, Harrison's Ohio home was not a log cabin, but, for that day and district, a rather spacious country-gentleman's mansion.

within a month of the inauguration, and Tyler opposed his veto to all Whig measures. Two bills to restore a United States Bank (in place of the Independent Treasury) fell in this way in August and September of 1841. Whig papers raised a bitter but wholly unjust cry of "Judas Iscariot," and every member of the Cabinet resigned except Daniel Webster. In like manner, the veto killed two bills for an extreme protective tariff, but a third and more moderate measure received the President's approval. The compromise of 1832, which had just taken full effect (page 527) was therefore at once undone. The panic of 1837 had depleted the treasury, and, aided by the cry for revenue, the protective Tariff of 1842 was enacted, raising the rates to about the level of 1824.

The Whigs certainly had a "mandate" from the country for the change. "Protection" was the one principle that their speakers had stood for in the campaign. But, curiously enough, the ground on which they had demanded "protection" was altogether new. The old demand (1816-1832) had been aristocratic—in the interest of wealth. "Protect the manufacturers," it said, "*because* they have to pay such high wages." The new demand, formulated by Horace Greeley and advocated by him with religious fervor in his *New York Tribune*, stood for social and democratic reform—in the interest of the workers. "Protect manufactures," it said, "*in order that* the workmen may continue to get high wages." Greeley continued to preach this doctrine for more than thirty years, and during all that time his paper was the most influential publication in America. Almost at once, however, the contest over slavery drew public attention away from other problems, and this new argument for protective tariffs was not duly sifted until a much later time.

Tariff history, down to the Civil War, is conveniently disposed of here in a few words. The Democrats came back to power at the next election, and enacted the Walker revenue

tariff of 1846. Imports such as coffees and teas and other articles of common use not produced in the United States, were taxed very high, while manufactures previously protected (such as iron ware and woolens) were taxed only 30 per cent. The measure was called a free trade tariff, but it afforded a moderate degree of protection, besides nearly doubling the revenue. In 1857 rates were reduced materially for a time, to a real "tariff for revenue" basis.

Webster had kept his unpleasant position as Secretary of State under Tyler in order to complete an important negotiation with England. Soon after the settlement of the dispute regarding the St. Croix River (page 357), another difference of opinion had arisen regarding the northern boundary of Maine farther to the west. England claimed one line, and the United States another, from different interpretations of the words of the Treaty of 1783. The King of the Netherlands, to whom as arbitrator the contention was submitted, exceeded his province by drawing a compromise line without reference to the merits of the question; and the United States refused to accept the award. In 1842 the question was settled by the Webster-Ashburton Treaty, which gave each country about half the disputed territory.



No story of this period can afford to ignore a striking episode in the struggle for democracy within Rhode Island. In that state, in the latter part of the colonial period, the franchise had become the narrowest perhaps, in any colony. No man could vote unless he owned real estate worth \$134, or unless he were the oldest son of such a man. Moreover, the smallest town had as much weight in the legislature as the capital city—which contained about a third of the whole population. For sixty years after the Revolution, these abuses continued. The people had long clamored for reform, but the

close oligarchy paid no attention to the cry. Some of the Revolutionary state constitutions (following the wording of a Virginian clause) had referred to the possible necessity that the people in later times might again "have to recur to fundamental principles" to amend their form of government. To many Rhode Islanders this seemed such a time. In 1841, a People's party, without the unattainable legislative approval, arranged for the election of a constitutional convention by manhood suffrage. The mass of the citizens took part in the election; and a new constitution, duly put forth by the convention, was ratified by a large popular vote. The leader of this revolution, Thomas Wilson Dorr, was then chosen governor, under the provisions of the new constitution. This democratic uprising was "Dorr's Rebellion."

However, the old officials of the "charter" government refused to surrender possession of their places, and they were supported by President Tyler, with promise of federal troops. The Revolutionary government vanished without resorting to violence. But Dorr was tried for treason and condemned to imprisonment for life at hard labor.

It had become plain, to be sure, that the oligarchic "charter government" could not long keep all its former privileges; but, besides this revenge, it sought successfully to save what it could. It itself now called a constitutional convention, chosen by the old oligarchic electorate (while hundreds of the democratic leaders, too, were still in jail under martial law sentences). The new constitution of 1842 then extended manhood suffrage to native Americans, but retained the landed qualification for naturalized citizens, along with the "rotten borough" basis for the upper legislative House. (These gross abuses lasted nearly ninety years more, to 1928, and the constitutional amendments that then abolished them were secured only after a bitter five-year struggle that had involved disgraceful and dangerous legislative deadlocks.) The first

legislature that assembled under the new government did set Dorr free by a special act—but that martyr to the cause of constitutional freedom died not long afterward from disease contracted during his unwholesome prison life.

## Part Eight

### Slavery

*The whole commerce between master and slave is a perpetual exercise of the most unremitting despotism on the one part and degrading submission on the other. Our children see this, and learn to imitate it. . . . Can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction in the minds of the people that these liberties are the gift of God! . . . I tremble for my country when I reflect that God is just.*

—THOMAS JEFFERSON, in “Notes on Virginia,” 1784



## CHAPTER XXIX

### A SURVEY TO 1840

**I**N 1837-1840, the slavery interest began to demand more territory, and, for the next twenty years, slavery was the dominant question in politics. This chapter is merely an introduction to that story.

#### BEFORE 1830

The Revolution, with its emphasis on human rights, created the first anti-slavery movement in America. (So, too, Revolutionary France abolished slavery in her colonies in 1794, as did the Spanish-American states, each one as it achieved independence.) That early agitation against slavery was moral and religious, rather than political. It belonged to the South as well as to the North, and was considerate of the slaverholders' difficulties. On their part, the slaveholders during this period (outside Georgia and South Carolina) apologized for slavery as an evil which they would be glad to be rid of safely.

For thirty years after the Declaration of Independence, slavery seemed dying. Vermont's constitution of 1776 abolished it, as did that of Massachusetts, indirectly (page 226), in 1781, and that of New Hampshire in 1784. Pennsylvania decreed freedom for all children born of slave parents after 1780; and this sort of gradual emancipation was quickly adopted in Connecticut, Rhode Island, New York, and New Jersey. After 1804, no slave could be born north of Mason and Dixon's Line—though most of the free states long continued to contain slaves born before this gradual emancipation began. In Southern states, too, leaders like Washington and

Jefferson were urging that same kind of gradual emancipation—with some added provision for removal of the negroes. This last idea created the American Colonization Society, which set up the negro republic of Liberia as a home for ex-slaves; but it proved impossible to send negroes to Africa as fast as they were born in America.

The Constitution of 1788 sanctioned slavery and made it the duty of Congress to provide legal machinery for the capture and return of any slaves escaping into free states. It would have been hard, no doubt, for any Fugitive Slave law to satisfy earnest anti-slavery men; but, unhappily, the measure actually passed in 1793 contained absolutely indefensible features. Surely, it should have given to a negro, arrested as an escaped slave, the benefit of the doubt until proof of the claim was complete. Such, indeed, had been the maxim of the ancient Roman Imperial law, as voiced by the jurist Ulpian in his declaration, "By the law of nature, man is free." But the American law (adopted in the administration of Washington) followed rather the medieval maxim that a masterless man must belong to *some* master. It assumed that the claim of a pretended master was good *unless disproved*. This was a base surrender of human rights to property rights. Moreover, there was no provision for jury trial or for summoning witnesses—so that a free negro, if arrested in a strange locality, might easily find it impossible to prove his free status. A crushing fine, too, was decreed for any citizen who aided a negro, if that man *afterward* proved to be an escaped slave. In every detail, the assumptions of the law favored slavery, not freedom; and, under its sanction, gangs of kidnappers did sometimes carry free negroes into bondage.

The law, however, had a weak point. It provided that a man claimed as a fugitive slave might be taken before any *state* judicial officer, who must then act as the judge in the case. This was an attempt to impose federal duties on state

officials without consulting them; and fifty years later (in the *Prigg v. Pennsylvania* case of 1842) the Supreme Court decided that this clause was unconstitutional. The Court upheld the rest of the law! But this one leak was ruin for it. The officials in the Northern states so generally refused to act thereafter, that the law became practically a dead letter.

If slavery was to die, two things were essential: new slaves must not be imported from abroad, and slavery must not spread into new territory.

1. While the Revolutionary War was still going on, every state except Georgia and South Carolina prohibited the foreign slave trade. A little later, at the demand of those two states, the Constitution forbade the *federal* government to put a stop to that trade for at least twenty years (page 313). As the end of that period drew near, on the earnest recommendation of President Jefferson, Congress ordered that the trade should cease in 1808—the earliest possible date.<sup>1</sup>

2. Three great attempts of the federal government to prevent slavery from spreading have been treated in earlier chapters. The South made no general opposition to the exclusion of slavery from the Northwest, in the Ordinance of 1787. To be sure, we did add slave territory in 1803, but the extension of slavery was in no way the motive for acquiring "Louisiana."

<sup>1</sup> After 1807, England kept a naval patrol on the African coast to intercept "slavers," who were regarded as pirates by most European nations. Unhappily, England's invitations to the United States to join in this good work, in 1817 and 1824, were rejected by our government. The War of 1812 had made us exceedingly sensitive regarding the "right of search," and we now refused to permit an English ship (in time of peace) to search a vessel flying the American flag, even to ascertain whether that flag covered an American ship. Consequently our flag was used by slavers of all nations (especially, it must be confessed, of our own), engaged in stealing negroes in Africa to sell in Brazil or Cuba, or in the cities of our own Lower South, where little disguise was made of the defiance of the federal law. In 1842, in the Ashburton Treaty the United States did join England in agreeing to keep a joint squadron off the coast of Africa to suppress the illegal trade; but we took no proper share in the work until the opening of the Civil War.

The slave power had not yet begun to seek new territory for the sake of strengthening slavery. It is true, too, that Congress recognized slavery in the District of Columbia. That district had been ceded to the federal government by Virginia and Maryland, and, as a matter of course, Congress reënacted for it the slave codes of those states. But during this same period Congress resisted firmly many attempts by the early settlers of Indiana and Illinois Territories (mostly from the South as we have seen) for the repeal of the anti-slavery clause in the Northwest Ordinance.

Then, to supply the labor so much needed in all new countries, the people of early Indiana and Illinois tried evasion of the federal law. Thousands of slaves were brought into the two Territories under forms of indenture or of "labor contracts"; and Territorial "Black laws" were enacted to sanction this disguised slavery. Says McMaster (*History*, V, 188): "To all intents and purposes, slavery was as much a domestic institution of Illinois in 1820 as of Kentucky." But Congress never approved this practical extension of slavery, and soon after 1825 a new immigration into those states (page 46of.) put an end to it.

The last of the three attempts in this period (down to 1830) to restrict slavery resulted in the Missouri Compromise. In winning its remarkable victory in that struggle (page 000), the anti-slavery forces in the North had shown a more aggressive determination than ever before. Only fifteen Northern Congressmen voted against the exclusion of slavery from territory north of the Compromise line—and *twelve of these were defeated for reëlection!*

But a corresponding change was taking place also in the South. Not one Southern Congressman voted for a "free" Missouri; and in 1820 Southerners were less apologetic regarding slavery than thirty years earlier. They did still speak of it as an evil, but now as an evil *inevitable and permanent.*

## AFTER 1830

Then by 1830, the South had begun to advocate slavery as a positive good, economic and moral, for both master and slave, and as the only possible cornerstone for the highest type of civilization. Calhoun devoted the remaining years of his life mainly to advocating this view.

Several factors help explain this new attitude. The extension of slavery to Louisiana and Missouri had discouraged the earlier hopes regarding its approaching abolition. Moreover, the institution was growing more profitable to property interests. The invention of the cotton gin had raised the value of a field hand in the black belt from \$200 in 1790 to \$1,000 in 1840; and the Border states, where slave labor itself was not particularly profitable, found that they could now raise and sell slaves to more Southern districts at huge profits. In some degree, too, the aggressive attitude of the slave power was a response to the appearance in the North of new aggressive anti-slavery workers known as Abolitionists, demanding immediate and complete destruction of slavery.

For some years before 1830, Benjamin Lundy had published at Baltimore *The Genius of Universal Emancipation*, devoted to this teaching. In 1828, Lundy found a greater disciple in one of his assistant printers, William Lloyd Garrison. Young, poor, friendless, in 1831, Garrison began in Boston the publication of *The Liberator*; and the first number (printed on paper secured with difficulty on credit, and set up wholly by Garrison's own hand) carried at its head a declaration of war:

Let Southern oppressors tremble . . . I shall strenuously contend for immediate enfranchisement . . . I will be as harsh as truth and as uncompromising as justice . . . I do not wish to think, or speak, or write, with moderation . . . I am in earnest—I will not equivocate—I will not retreat a single inch—AND I WILL BE HEARD.

To the end, this remained the keynote of the Garrisonian Abolitionists. They sought to arouse the moral sense of the North against slavery as a wrong to human nature. For long years this vehemence made them social outcasts, even when they were not in danger of physical violence. Among the group were Wendell Phillips, a youth of high social position and opportunity, who forsook his career to become the hated and despised orator of the Abolition cause; Whittier, the gentle Quaker poet, whose verse rang like a bugle call; Theodore Parker, a Unitarian minister of Boston, "the terrible pastor of Abolition"; and, at a later time, James Russell Lowell, whose scathing satire in the *Biglow Papers* struck most effective blows for freedom, and whose established position helped to make Abolitionism "respectable."

Of this body of agitators, Garrison remained the most extreme. He could see no part of the slaveholders' side, and he dealt only in stern denunciation of all opponents—and even of moderate supporters. He and his group had no *direct* influence upon political action against slavery. Many of them disclaimed desire for any such influence. Garrison once burned in public a copy of the Constitution, defaming it as "a Covenant with Death and an agreement with Hell," and the only political action advocated by him for Northern men was secession by the free states. So, too, Lowell's "Hosea Biglow" exclaims:

Ef I'd my way, I hed ruther  
We should go to work an' part,—  
They take one way, we take t'other,—  
Guess it wouldn't break *my* heart.  
Men hed ought to put asunder  
Them that God has noways jined;  
An' I shouldn't gretly wonder  
Ef there's thousands of my mind.

A more moderate group of abolitionists contained such men as William Ellery Channing, James Freeman Clarke, Thomas

Wentworth Higginson, and Samuel J. May (Unitarian ministers), Emerson, Longfellow, Gerrit Smith, William Jay, and the aged Gallatin. For Channing's logical but temperate indictment of slavery, Garrison, however, had only abuse. In return, Emerson at first condemned the Garrisonian extremists with unaccustomed harshness; but later he said that "they might be wrong-headed, but they were wrong-headed *in the right direction.*"

Other foes of slavery, like Lincoln, rejected the name Abolitionist, altogether, and declared that the Garrisonian group harmed more than they helped. Garrison and his friends did rouse bitter antagonism and make their opponents more aggressive, but they achieved their purpose by being "heard." The nation would have been glad to forget the wrongs of slavery: these men made that impossible—sometimes by exaggerating and misrepresenting those wrongs—and they trusted to the moral sense of the people to do the rest. They made slavery a topic of discussion at every Northern fireside—and slavery could not stand discussion.



And so the slave power was drawn almost inevitably into the fatal blunder of attacking the rights of white men. After 1831 the former freedom of discussion about slavery vanished south of Mason and Dixon's Line. Anti-slavery societies dissolved; anti-slavery meetings could no longer find halls or audiences; anti-slavery publications were forced out.

In many cases these ends were secured by mob violence, and like ends and methods soon became common in the North. In 1835, James G. Birney, a Kentuckian who had long worked valiantly against slavery in Alabama and in his native state, was driven to move his anti-slavery paper across the Ohio to Cincinnati. Even there, his office was sacked, and his life sought, by a bloodthirsty pro-slavery mob, largely from Kentucky, while respectable Cincinnati citizens merely advised

him to seek safety in silence. This was in 1836. The year before, a Boston mob, "in broadcloth and silk hats," had broken up one of Garrison's meetings, gutted his printing office, and dragged Garrison himself through the streets by a rope around his body—until he was rescued and protected by the mayor by being jailed! And in Alton, Illinois, the year after (1837), mobs twice sacked the office of Elijah Lovejoy, an Abolitionist editor, and finally murdered Lovejoy when he tried to defend his property from a third assault. A free press was the particular object of attack, and for many years practically every Abolitionist paper in cities large or small ran danger of such destruction. In the little frontier village of St. Cloud, Minnesota, a pro-slavery mob sacked the printing office of Mrs. Jane G. Swisshelm and threw her press into the Mississippi.

There was this difference in the matter, however, between North and South. In the South, discussion was absolutely strangled. In the North, Lovejoy was the only martyr to suffer death, and resolute men and women found it possible to continue the discussion and eventually to win a hearing. At St. Cloud, a mass meeting, excited not in behalf of Abolitionism, but by the attack upon free speech, promptly subscribed money to replace the press—no small thing in a petty frontier village of workingmen. By contrast, in the greater cities, respectable people and large property interests showed a curious cowardice in these conflicts. Alton, in a measure, was dependent upon trade from the Missouri side of the Mississippi. Cincinnati's prosperity, in like fashion, was supposed to depend upon Kentucky trade. In both towns the cry arose that anti-slavery publications alienated the slave state visitors and customers, and "hurt business"; and, before this direful threat, mayors, ministers, bankers, and every newspaper in both cities were whipped into submission, quite in the fashion of later times.

But these mob attacks upon free speech for white men were ominous to all citizens really zealous for their own rights, and they turned to the anti-slavery cause many who had never been moved by wrongs to the negro. This tendency became still more marked, too, when the South began to demand that the national government and the Northern states should *by law* stifle discussion.

In 1835, in response to vehement appeals from Southern legislatures, President Jackson recommended Congress to pass laws that would exclude "incendiary publications" from the mails. "But," cried anti-slavery men—and many others never before so counted—"Who is to judge what is incendiary? On such a *charge*, the Bible or the Constitution might be excluded." After a sharp struggle, the bill failed to pass, but there followed an even more arrogant attempt to destroy the ancient right of petition. Since 1820, petitions had poured upon Congress in ever increasing bulk for the abolition of slavery in the District of Columbia. In the ordinary course, such a petition was referred to an appropriate committee, and if ever reported upon, it was rejected. But in 1836, the sensitive Southern members secured a "gag resolution" which each new Congress for eight years incorporated in its standing rules—so that all petitions concerning slavery should be "laid on the table" without being discussed or printed or read.

The slave power thought exultantly that it had choked off discussion. Instead, it had merely identified the anti-slavery movement with a traditional right of the English-speaking people. The "Old Man Eloquent," John Quincy Adams, now Representative from a Massachusetts district and formerly indifferent to slavery, crowned his long public life with its chief glory by standing forth as the unconquerable champion of the right of petition—which, he insisted, meant that his constituents and others had not merely the right to send petitions to the Congressional waste-paper basket, but the right to have their petitions read and considered. Tireless, skill-

ful, indomitable, unruffled by tirades of abuse, quick to take advantage of all parliamentary openings, Adams wore out his opponents and roused the country, and in 1844 the gag rule was abandoned.

Thus while Garrisonian Abolitionists were trying to persuade the North that slavery was a moral wrong to the negro, the folly of the slave power called into being a new Abolitionist party which thought of slavery first and foremost as dangerous to Northern rights. This party went into politics to limit slavery by all constitutional means in the hope of sometime ending it. The "political Abolitionists" were strongest in the Middle and North Central states, and among their leading representatives were Birney and the young Democratic lawyer, Salmon P. Chase. Says Professor Hart, the biographer of the latter: "Like thousands of other anti-slavery men . . . Chase was aroused, not by the wrongs of the slave, but by the dangers to free white men. He did not hear the cries of the Covington whipping post across the river [the Ohio], but he could not mistake the shouts of the mob which destroyed Birney's property and sought his life; and his earliest act as an anti-slavery man was to stand for the everyday right of a fellow resident of Cincinnati to speak his mind."

## CHAPTER XXX

### SLAVERY AND EXPANSION, 1837-1853

*Destiny beckons us to hold and civilize Mexico.*—JAMES BUCHANAN in 1846 (then Secretary of State).

*Stealing bigger pens to cram with slaves.*—LOWELL'S "Hosea Biglow" in 1846, on the Mexican War.

THE loss of the old balance between free and slave states, as depicted in the preceding chapters (page 474f.), had made the now-aggressive pro-slavery men feel keenly a need of more territory, from which to carve new slave states. And just at this critical time, events seemed ready to play into their hands.

### TEXAS AND OREGON

In 1821, Spanish Mexico became an independent federated republic, and, a few years later (1829), abolished slavery. Texas was then one of the states of Mexico. It had been settled mainly from the Southwestern districts of the United States, largely by men who had brought slaves with them. Mexico did finally exempt their province from the emancipation edict, but not until that measure had aroused great unrest among them.

These Texans, too, had gone into Texas at the invitation of the Spanish government, with promises of a large amount of self-government. But in 1835 the new Republic of Mexico fell under the control of Santa Anna, a military dictator, who planned to do away with this privilege of Texas. So, early in 1836, the Texans seceded, organized an independent state (with slavery), and elected as their first president "Sam" Houston, a famous Indian fighter and an old friend of Andrew

Jackson. The declaration of Independence was signed by fifty-six men, of whom fifty-three were from our South.

A Mexican army "invaded" Texas, captured a small Texan garrison in the Alamo (a fortified mission), after a gallant resistance, and massacred every prisoner. Then April 21, it met the main body of Texan frontiersmen under Houston at San Jacinto. The Texans charged six times their number with the vengeful cry, "Remember the Alamo," and won a complete victory. The independence of Texas was promptly recognized by the United States and by England and France. Mexico, however, did not give up her claims.

The Texans hoped to be annexed to the United States. Indeed, many of them had gone to the country years before with that express plan—as other Americans still earlier had gone into West Florida (page 424). But war between the United States and the proud and sensitive Mexicans would almost certainly follow annexation, and both Jackson and Van Buren refused to recommend that measure to our Congress.

Still, here was a chance, seemingly the only chance, to get more slave territory, to balance the free Northwest. (Texas, it was argued, was large enough to make at least five states.) And so the South soon began to demand the annexation, some fiery leaders even shouting "Texas or Disunion!" In 1844, President Tyler arranged an annexation treaty; but the Whig Senate refused to ratify it, and John Quincy Adams and twenty-one other Northern congressmen matched the Southern "fire-eaters" by joining in a public letter advising their states to secede if Tyler's "nefarious" scheme went through.

The balance of power was held by the free states of the Northwest. The majority of the people there disliked extending the area of slavery—as they had shown—but they were eager for more territory for the Union, and they had few scruples about fighting Mexico (or England) to get it. The South finally won the Northwest to its side by playing skill-

fully on this sentiment for expansion and combining with the demand for Texas a demand for "all of Oregon."



Regarding Oregon (page 440) a new situation had come to pass. In the Florida treaty of 1819-1821, Adams, then our Secretary of State, had induced Spain to waive any claim to the Pacific coast north of the 42nd parallel. Many Americans felt that this "quitclaim" from Spain confirmed our title, but England continued to hold that Spain had had no title to surrender. The ten-year period of joint occupation had expired in 1828, but the arrangement had been renewed, subject to a year's notice by either England or the United States. The debates on the matter in Congress showed that body as a whole rather indifferent still. Indeed, the predominant feeling was that we could never occupy a region so inaccessible and "barren," and ought not to even if we could. Still, some enthusiastic Western members of robust faith urged (even then, without a railroad yet in America) that in a few years Oregon would be nearer Washington than St. Louis had been a generation earlier, and that it would make our indispensable gateway to the Western ocean—"the long-sought road to India." In one of these debates, in passionate reproach of Eastern indifference, Senator Benton exclaimed, "It is time that Western men had some share in the destinies of this Republic!"

And when the second period of joint occupation expired, Americans were making farming settlements in southern "Oregon." Missionaries to the Indians had followed the fur-traders along the "Oregon Trail" across the two thousand miles of wilderness from the Mississippi, and their glowing reports of the Western country drew adventurous colonists. In 1842, Dr. Elija White and Dr. Marcus Whitman guided considerable bands into the rich river valleys of that region. All earlier white men in the Oregon Country had been explorers, fur-traders, trappers, or missionaries. These actual settlements

of American farmers made an American claim to the country that even the indifferent East could not ignore. At the time of the Ashburton Treaty, England had proposed a division of the disputed district along the line of the Columbia, but the United States insisted that it must have at least the north half also of the Columbia basin, and had offered only to accept the 49th parallel as the line of partition. (John Quincy Adams, when Secretary of State twenty years earlier, had suggested that division.)



So matters stood as to Texas and Oregon at the opening of the Presidential campaign of 1844. The Democrats rejected Van Buren (who at first had seemed their strongest man) because of his anti-slavery and anti-expansion stand, and nominated James K. Polk on a platform calling for "the *Re*-occupation of Oregon" *and* "the *Re*annexation of Texas." Their jubilant orators at once began to shout the slogan "Fifty-four forty, or fight," and some of them even promised that their party would get also California and Canada for the United States—with hints, too, regarding Mexico and Central America! (For "fifty-four forty," see page 443).

Clay, the Whig candidate, was as silent as possible on expansion. The political Abolitionists (page 550), under the name of the Liberty party, nominated Birney—and drew enough anti-slavery votes away from the Whigs in New York to give that close state (and the election) to Polk.

Tyler and Congress accepted this result as a verdict for annexation, and on almost the last day of the out-going administration (March 1, 1845) a joint resolution of the two Houses of Congress offered annexation to Texas. (This unusual method was adopted because Tyler found it impossible still to get the two-thirds majority in the Senate necessary to ratify an annexation treaty.) Texas accepted the proposal, and,

in December of the same year, became a state of the Union. But, since she refused to be divided, the slave power gained fewer votes in the Senate than it had hoped.

Money played as scandalous a part as slavery did in the annexation. The independent Texas nation had had little cash. It had waged its war, and managed its government during its eight years of separate life, and carried out some imperative improvements, only by issuing paper certificates in reckless amounts. Millions of dollars of this scrip, at face value, had been bought cheap by American speculators—who were by no means all Southerners or even particularly strong pro-slavery men. Annexation to the Union would make the future of Texas safe, and so, since the state was naturally rich as well as immense, would soon make every dollar of this dubious scrip worth a hundred cents. Enormous fortunes, for that day, were at stake; and millions were floating about the Capitol, easily transferred from the thronging lobbyists (who actually crowded the aisles of the House of Representatives) to greedy Congressmen of easy consciences. Joshua Giddings, Free Soiler from Ohio, asserted that a vote for annexation could bring \$50,000.

Polk's inaugural indicated an intention to redeem his campaign pledges and to take all of Oregon also, even at the cost of war. But England renewed the sensible proposal to divide the region—offering now to accept the 49th parallel for the dividing line. This line was already the international boundary east of the Rockies. It was practically identical with the northern watershed of the Columbia, and it gave us all we could claim on the basis of "occupation." Polk wisely referred the matter to the Senate, and, with its approval, negotiated in 1846 a treaty of partition along the proposed line. At last the American Republic possessed a front on the Pacific. But

so did England; and the Northwest claimed bitterly that its interests had been betrayed and that Polk had surrendered to mighty England in order better to prey on weak Mexico.

### WAR WINS STILL MORE TERRITORY

The acquisition of Oregon <sup>1</sup> left Polk far from content. He wanted, not a mere northern foothold on the Pacific, but the whole solid block of territory lying between our older possessions and that ocean—the two vast Mexican provinces of “New Mexico” and “California.” Especially was he bent upon acquiring the splendid harbors at San Diego and San Francisco.

In New Mexico there had been Spanish settlements ever since the sixteenth century, and the white population had grown slowly until by 1845 it numbered 50,000. It was not until about the time of the American Revolution that Spanish missionaries found the difficult passes from New Mexico into California through the lofty mountains. The first California mission was founded in 1769 at San Diego. During the next few years twenty more were built.

About the missions there grew up contented settlements of Christian Indians. Taught by the friars, these converts planted and tended flourishing vineyards and orchards, cared for the flocks of sheep and droves of horses and cattle, built roads and bridges, quarried the stone for the mission buildings, and carved the pulpits and altar pieces. Later, when other Spanish settlers came in from New Mexico with land grants from the Mexican government, the mission fathers lost most of their lands. But the new landlords, too, in the main, carried on the old kindly tradition, and the leisurely and rather primitive life suffered little change.

<sup>1</sup> The American half of the Oregon country was soon organized as a Territory, with exclusion of slavery—without serious protest from the South; and, in 1859, the southwestern third of the Territory became the state of Oregon.

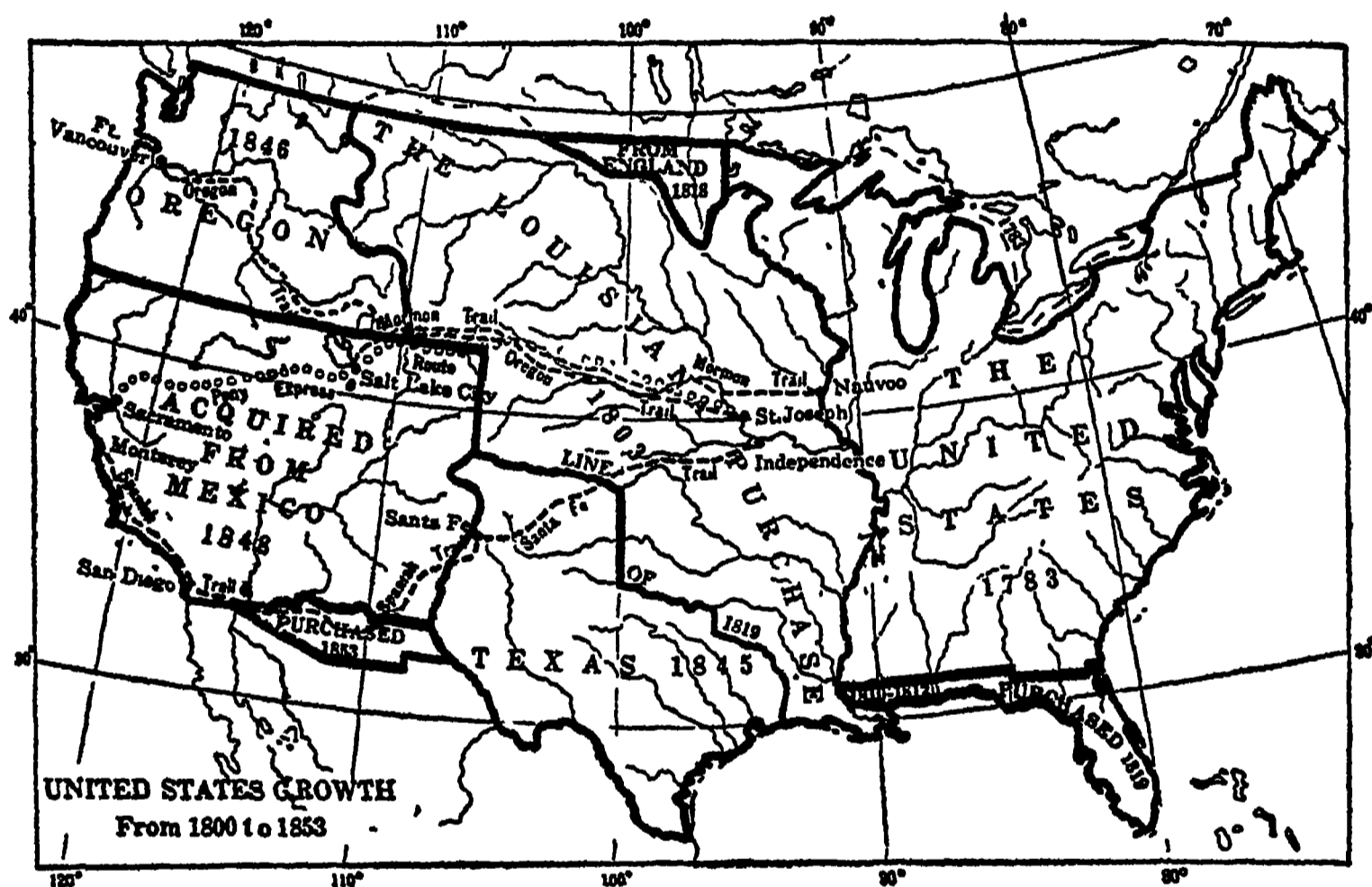
Meantime, American traders had begun to penetrate into those districts—first from the sea. In 1832, Captain Cooper of Boston carried New England goods around the Horn, traded them in the harbor of Monterey for furs, crossed the Pacific to exchange his furs for Chinese teas and silks, and, returning over the same route, sold these Chinese goods in California on the way. (Cf. page 384.) Soon, California ports became regular stations for American ships in the Oriental trade. A trifle later, the overland trade began. Caravans of packhorses and wagons, loaded with china, glassware, hardware, and cotton goods, made their dangerous way from the Missouri frontier across the desert to Sante Fe, where fortunes were made in the exchange of such commodities for furs, Indian blankets, and silver. Next these American adventurers began to press on *across* New Mexico, along the old Spanish Trail, to California. Settlers followed the traders. In 1845, of the six thousand white inhabitants of California, nearly four hundred were Americans. In New Mexico, however, the only permanent American settlers were the Mormons (page 506) in what we now call Utah.

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Polk at once opened negotiations for the purchase of these desired districts, but could not wheedle or scare Mexico into selling. No way remained but war, and for war a convenient pretext was found in a boundary dispute between Mexico and our new state of Texas. Texas extended without question to the Nueces River. Not content with that southern boundary, she claimed to the Rio Grande—on grounds at least questionable. For the United States arbitrarily to back up this claim was to make war with Mexico certain. General Zachary Taylor, in command of American troops in Texas, was now ordered to move his little army to the Rio Grande, where his position threatened a Mexican city across the river. The

Mexicans demanded a withdrawal. Taylor refused, was attacked, won a victory, and crossed the river. Polk announced to Congress (May 11, 1846), "War exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico!" Congress accepted the pretext and adopted the war.

Abolitionists again talked secession. But, outside New England, the war was popular.<sup>2</sup> Certainly it was waged brilliantly. General Taylor invaded from the north, and General



Winfield Scott advanced from the Gulf. The Mexicans were both brave and subtle; but American armies won amazing victories over larger entrenched forces, and the contest closed with the spectacular storming of the fortified heights of Chapultepec and the capture of the City of Mexico (September 15, 1847).

As soon as war began, Polk had dispatched small forces to

<sup>2</sup> Abraham Lincoln, then a member of the lower House of Congress, moved resolutions accusing the President of falsehood in the statement of the origin of the war, and later he declared that "the war was unnecessarily and unconstitutionally commenced by the President." But at the expiration of his term Lincoln found himself too unpopular at home to try for reelection.

seize California and New Mexico; and the Stars and Stripes now floated over territory that included not only the modern states of those names but also most of the present Arizona, Nevada, Utah, and parts of Colorado and Wyoming. In the treaty of peace, after ceding Texas as far as the Rio Grande, Mexico was forced to accept \$15,000,000 for this other territory, losing in all about half of her former extent. Members of the Cabinet like Buchanan wished to hold *all* of Mexico, and part of the press boasted confidently that the American flag in the City of Mexico would never be hauled down. But Polk wisely insisted upon a moderate policy, and took (and paid for) only what he had offered to buy before the war.

Almost at once, however, it was discovered that the only practicable route of those days from Texas to California (the old Spanish Trail from Santa Fe to San Diego) lay south of the American acquisitions. So in 1853, James Gadsden, representing the United States, bought from Mexico for ten million dollars another small cession south of the Gila.

This Gadsden Purchase was our last expansion before the overthrow of slavery; but it was not the last *attempt* by the slave power. Pro-slavery men had long looked covetously at Cuba. Polk offered Spain a hundred million dollars for the island, but the Spanish government declared bluntly that it would rather see the island sunk in the sea. Then, Southern leaders began to advocate forcible seizure. This piratical doctrine was set forth with particular emphasis in 1854 in the famous Ostend Manifesto, a document published in Europe by a group of leading American diplomats there. Among these was James Buchanan, who became President in 1857 and at once renewed attempts to buy Cuba and also to secure slave territory in Central America.

It is fair, however, to recognize that, whatever the motives of statesmen, the cordial backing for all such designs among the *people* of the South was due in great part to that ancient

land hunger and spirit of conquest and adventure which had brought their ancestors to Virginia and more recently sent their brothers to Texas and Oregon.

### FREEDOM OR SLAVERY FOR THE NEW TERRITORY

The Oregon and Mexican cessions, together with the annexation of Texas, had doubled American territory once more, giving a total area of more than three million square miles. But the gain of this glorious empire brought also to the front a pressing need of fixing a national policy as to slavery in the Territories.

Population increased in the decade 1840-1850 from seventeen to twenty-three millions. Immigration from Europe had now begun in earnest. Until 1845, no one year had brought 100,000 immigrants (page 447). That year brought 114,000; 1847 (during the Irish famine) brought 235,000; and 1849 (after the European "year of revolutions") brought almost 300,000.<sup>3</sup> This tremendous current, once started, continued unabated to the Civil War. It still came almost wholly from the northern European countries, and most of the immigrants were sturdy laboring men. In the main they avoided the South with its slave labor; but Southern railroads *were* built largely by Irish immigrants—of whom we now received 1,000,000 in four years.

Florida became a state in 1845; but slavery's gain in the Senate through the addition of that state and of Texas was balanced by the admission of Iowa (1846) and Wisconsin (1848). And in the lower House of Congress the fifteen free states now had nearly a half more members than the fifteen slave states.

<sup>3</sup> Many of these made a notable addition to the forces of freedom in their new home. This was especially true of the German fugitives, among whom were Carl Schurz and Franz Siegal.



territory (outside Texas) to be so acquired. Northwestern Democrats voted almost solidly for this Wilmot Proviso, partly from real reluctance to see slavery extended, partly to punish Polk and the Slave Power for "betraying" the Northwest in the Oregon matter. The session expired (August, 1846) before a vote was reached in the Senate. In the next session the Proviso again passed the lower House, but was voted down in the Senate, where the Slave Power had now rallied. Then, early in 1848, Calhoun presented a new Southern program in a set of resolutions affirming that, since the Territories were the common domain of all the states, Congress had no constitutional right to forbid the people of any part of the Union, *with their property*, from seeking homes in that domain. This meant a right for Southerners to carry slaves (and consequently slave law) into the unorganized public domain and even into organized Territories. It was the first denial of the *power* of Congress to exclude slavery from the domain. The only power that could properly decide the matter of permitting or excluding slavery, said this new doctrine, was a sovereign state: when the people of a Territory reached the stage of statehood, let their state constitution settle the matter.

Welcome as this doctrine was in the South, it did not convert any large portion of even pro-slavery men in the North. Still another new doctrine, however, known as "squatter sovereignty," did now begin to play a large part there. It denied not the right but the advisability of Congressional control. Better, said its supporters, turn the whole question over to the people most interested—the people of each Territory, acting through their Territorial legislatures. This idea appealed to the democratic instincts of the Northwest (though Abraham Lincoln did object that it failed to consult the people *most* interested—the slaves themselves); and it was not inconsistent with the old idea of the right of Congressional control. "Squatter sovereignty," however, and Calhoun's new doctrine,

both pro-slavery devices though they were, were inconsistent with each other.

Northern Congressmen were so split up in these debates that they lost their advantage in numbers. Some held still to the Wilmot Proviso and tried to attach it as a rider to every important bill. Others, believing just as stoutly in the principle of Congressional control, were willing to conciliate the South by extending the Missouri Compromise line to the Pacific. Still others adopted the squatter-sovereignty idea. Finally the country went into the election of 1848 without having established *any* civil government for the vast areas recently acquired. This was serious, for the sensitive Mexican and Spanish populations resented longer military rule by the conquerors. Moreover, in January of 1848, just before the cession by Mexico, gold had been discovered at Sutter's Fort, near Sacramento, and a vast and varied immigration to California was already preparing.

The Whigs, who had gained their one victory in 1840 with a military hero, now repeated the tactics of that year. They adopted no platform, but nominated Zachary Taylor of Louisiana—a slaveholder, a straightforward soldier, and the hero of the war. The Democrats were almost equally cautious. Their platform evaded all mention of slavery and of the burning Territorial question; but their candidate, Lewis Cass of Michigan, was the originator of the squatter-sovereignty plan.

Anti-slavery Democrats had hoped once more to nominate Van Buren, who for a time did have the strongest vote in the convention but who was defeated by the Democratic two-thirds rule. A considerable faction did then bolt the regular convention and put up Van Buren as a third candidate. A few weeks later, he was nominated also by a new Free Soil party, which had absorbed the Liberty party. The Free Soilers recognized frankly that Congress could not interfere

with slavery in any state, but they stood resolutely for its exclusion from all Territories, with the cry, "Free Speech, Free Labor, Free Soil, and Free Men." In the election they cast 300,000 votes, or five times as many as the Liberty party had secured four years before; and in New York they and their allies (Van Buren Democrats) drew enough from Cass to give that state (and the victory) to the Whigs.

Meantime, California, lacking even a Territorial government, grew to the stature of statehood. Thousands of "Forty-niners," from all quarters of the globe but mainly from the Northern states of the Union, rushed to the rich gold fields—some around Cape Horn by ship (too often, in their haste, in schooners barely fit for short coast-trips); some across the fever-stricken Isthmus of Panama (where thousands found themselves stranded for months from lack of shipping up the Pacific coast); but more by wagon train across the Plains, defying Indians and the more terrible desert, along trails marked chiefly by the bleaching skeletons of their forerunners. The chorus chanted by ex-lawyers, ex-physicians, ex-storekeepers, and all sorts of adventurers on the march became the popular refrain of the day:

We'll scrape the mountains clean, old girl, we'll drain the rivers  
dry.

We're off to Californy. Susannah don't you cry!

Oh Susannah, don't you cry for me!

I'm off to Californy with my washbowl <sup>4</sup> on my knee.

And on the Pacific coast itself, whenever rumor reported that some prospector had "struck it rich," distant camps and towns were depopulated to swell the new, roaring settlement, toward which, over mountain paths, streamed multitudes of reckless men, laden with spade, pickax, and camp

<sup>4</sup>Let not this term suggest false notions of devotion to personal cleanliness. The miner's "washbowl" (one of three or four essential implements) was the metal pan in which he gave his sand its final rinsings to sift out the particles of gold.

utensils. In a few months, the mining region contained some eighty thousand adventurers. To maintain rude order and restrain rampant crime, the better spirits among the settlers adopted regulations and organized extra-legal Vigilance Committees to enforce them, with power of life and death.



On taking office, President Taylor at once advised New Mexico and California to organize their own state governments and apply for admission to the Union. The Californians acted promptly on this suggestion, and (November, 1849) a convention unanimously adopted a "free state" constitution. Taylor sought to keep faith, and urged Congress to admit the new state.

But the country was aflame. Every Northern legislature but one passed resolutions declaring that Congress ought to shut out slavery from all the new territory. The South on the other hand raged at the prospect of losing the richest fruits of the Mexican War, and public meetings and legislatures urged secession if such action were taken. Said Toombs of Georgia on the floor of Congress, "I . . . avow . . . in the presence of the living God, that if . . . you seek to drive us from California . . . I am for disunion."

Taylor died suddenly in July, 1850, to be succeeded by Millard Fillmore, the Vice President. This gave a breathing spell, and Clay came forward once more with a compromise, aiming to reconcile the South to the loss of California by giving them their will on other disputed points. Proud of his title of "the Great Pacificator," he pled for "a union of hearts" between North and South through mutual concession: otherwise he feared there was little chance for the survival of the political Union which he loved. His "Omnibus" measures were supported by the new President, and finally passed in separate bills after a strenuous eight months' debate. They provided for: (1) the admission of the "free" California; (2)

Territorial organization of New Mexico and Utah on "squatter-sovereignty" principles; (3) prohibition of the slave trade in the District of Columbia; and (4) a new Fugitive State law, with all the abominations of the old one (page 542) and with provision for new federal officials to make it effective.

This was the "Compromise of 1850"—the last compromise on slavery. Many Southern Representatives voted "No," in order that the measure if passed at all, should be passed by Northern votes. At the moment it seemed a huge concession to the South—since apparently a vast domain had been secured for future slave states.

It was Webster who really secured the passage of the compromise. He had opposed the annexation of Texas and the war, but now he urged that the North owed concession to the weaker South. Moreover, slave labor, he was sure, could never be profitable in sterile New Mexico. It was not necessary to exclude it by law of Congress: it was already excluded "by the law of nature." He "would not take pains to reenact the will of God."

Today most students of history agree that in this famous "Seventh of March" speech Webster was moved by deep love of America. He was now an old man, with failing powers, and he had begun to despair of the Union's being saved unless the South was pacified. Mr. Rhodes, however (*History*, I, 153), speaks in solemn judgment, referring especially to the acceptance by Webster of the Fugitive Slave law: "Webster could see 'the will of God' written on the mountains and plateaus of New Mexico, but he failed to see [it] implanted in the hearts of freemen." And at the time nearly all anti-slavery men thought him a traitor to his old beliefs, sometimes charging bitterly that he was basely bidding for Southern support in the hope of winning the presidency. This stern condemnation was voiced in the gentle Whittier's "Ichabod":

From those great eyes  
The soul has fled.  
When faith is lost, when honor dies,  
The man is dead.

. . . . .  
Then, pay the reverence of old days  
To his dead fame.  
Walk backward, with averted gaze,  
And hide the shame.

Emerson more wisely and justly acquitted the old New England champion of selfish plans, but he, too, wrote with barbed insight: "Mr. Webster, perhaps, is only following the laws of his blood and constitution. . . . He is a man who lives by his memory: a man of the past; not a man of faith and hope. *All the drops of his blood have eyes that look downward.*"

Calhoun, dying and despairing, opposed the compromise as insufficient. If the North wished to preserve the Union, he urged, it must concede some kind of *permanent* political equilibrium between itself and the weaker South. His papers show that he meant to propose an amendment to the Constitution providing for two Presidents, one from each section, with a mutual veto. But like his great rivals, Clay and Webster, Calhoun passed from political life in this debate.

More significant than the attitude of these statesmen of a passing day was the appearance of a new group of anti-slavery men, led by William H. Seward of New York. Like Calhoun, Seward opposed the compromise, but for opposite reasons. He insisted that peace between the sections could come only with the extinction of slavery. As to the Territories, said he: "The Constitution devotes the Domain to . . . liberty. . . . But there is a *higher law* than the Constitution, which devotes it to the same noble purpose." For the moment, Webster and Clay prevailed; but the "Higher-Law" speech was to exert more lasting influence than the speech of "the Seventh of March."

## CHAPTER XXXI

### COMPROMISE BREAKS DOWN, 1850-1860

*This government cannot endure permanently half slave and half free. . . . It will become all one thing or all the other.*

—ABRAHAM LINCOLN in 1858.

IT HAS been fitly said that from 1789 to 1820 the Union was maintained by the compromises in the Constitution, and from 1820 to 1861 by Congressional compromises. Most compromises of both sorts had to do with slavery. After 1850 it was never possible to agree upon another; nor did either party abide long by the compromise of that year.

North and South had come to have distinct kinds of human society, two types of civilization—one based on free labor, one on slave labor. In the sixty years since the adoption of the Constitution, the North had moved steadily toward new intellectual and moral standards and a new system of industry: the South had remained stagnant. As a Southern writer said: "The whirl and rush of progress encompassed the South on every side. . . . Yet alone in all the world she stood unmoved by it." The North had adopted the new Websterian views of the Constitution, in accord with modern needs: the South clung to the old views expressed by Calhoun. The great Protestant denominations—Baptists, Methodists, Presbyterians—were each splitting apart into distinct churches. North and South, on the slavery issue. Southern associations were forming, pledged to import manufactures from England rather than from the North. Neither section had any understanding of the other's good side. The North condemned the South as a community built upon a great sin: the South despised and reviled the North as a race of "mudsills" and cheats, and boasted its own higher sense of honor. Unity was

already gone in hearts, in industry, in religious organizations. It was going in commercial intercourse. It could not long endure, on such terms, in government—unless one section could impose its type of civilization upon the other.

Many Southern leaders had become convinced of this fact before 1850. An attempt at secession was headed off only by the compromise of that year. If secession had come then, it would quite likely have been successful, for it seems improbable that the North then would have waged a great war to preserve the Union. This is the consideration to which Webster's apologists appeal.



The Compromise of 1850 did preserve the Union ten precious years longer. The South accepted it dubiously, laying aside secession plans reluctantly. In the North most people were desperately anxious at first to convince themselves that the compromise was final, and all the old leaders severely deprecated any further discussion of slavery.

But the Fugitive Slave law kept Northerners thinking about slavery in spite of themselves. That law was the weak point in the compromise. Had the South been willing to lose the thousand slaves a year who escaped North (protecting itself, perhaps, by a small government insurance), the compromise might have endured much longer. But, exclaimed Lowell, "To tell us we ought not to agitate the question of slavery (when it is that which is forever agitating us) is like telling a man with the ague to stop shaking and he will be cured." In his "Higher Law" speech, Seward had warned the South regarding this part of the proposed compromise: "You are entitled to no more stringent laws, and such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions: it is the public sentiment of the North." And Emerson called the law "a law which every one of you will break on the earliest occasion—

a law which no man can obey, or abet, without loss of self-respect and forfeiture of the name of gentleman.”

The law could be applied to negroes who had been living for years in the North in supposed safety—since the breakdown of the law of 1793 (page 543). Thousands such former fugitives now abandoned their homes for hurried flight to Canada, and some were seized by slave hunters. More attempts to recapture slaves took place in 1851 than in all our history before. But now every seizure caused a tumult. Even pro-slavery men in the North could not stand for slave hunting at their own doors. Legislatures refused to United States officials the use of state jails, forbade state officers to aid in executing the law, and enacted various “personal-liberty laws,” to secure to any man seized as an escaped slave those rights of jury trial and legal privilege which the federal law so strangely denied him. Some of these state laws amounted to downright Nullification; and in 1859 the Wisconsin legislature deliberately used the words of the Kentucky Resolutions of 1799. The “Underground Railroad”<sup>1</sup> was extended, and, in several cases, fugitives were rescued from the officers in full day by “mobs” of such high-minded gentlemen as Thomas Wentworth Higginson, Samuel J. May, and Gerrit Smith. All attempts to punish such open defiance of the law broke down, because no jury would convict. In February, 1851, a mob of negroes rescued a fugitive out of the hands of federal officers in Boston and carried him in triumph through applauding streets, where, fifteen years before, Garrison had been dragged in ignominy by a white mob. And when another fugitive (Burns) *was* sent back to slavery, after bloody riots and a cost to the government of \$100,000, it took 1,100 soldiers and a battalion of artillery to convey him through those streets—which were all draped in mourning.

<sup>1</sup> An arrangement among Abolitionists in the border states for concealing fugitives and forwarding them to Canada. The system had its “stations,” “junctions,” “conductors,” and so on.

Still in the campaign of 1852, the platforms of both Whigs and Democrats indorsed the Compromise—with special reference, too, to the fugitive slave provision—and when Charles Sumner in the Senate moved the repeal of that law, he found only three votes to support him. In the presidential election, too, the Free Soil vote ("Free Democracy," now) fell off a half; and General Scott, the Whig candidate, who was believed to be more liberal than his platform, was easily defeated by the Democrat, Franklin Pierce, who gave the Compromise his hearty support. The tendency among respectable classes at the North to cling to the Compromise was especially notable in the eastern colleges—where there were many students from the South. Andrew D. White says that in the Yale of the early fifties (when he was a student there), "the great majority of older professors spoke at public meetings in favor of pro-slavery compromises," though, "except for a few theological doctrinaires," their personal sympathies were against slavery. The two great Yale professors of the day who opposed the Fugitive Slave law, he adds, were generally condemned for "hurting Yale" and driving away Southern students.

One feature of the election of 1852 was the prominence of a new political party which called itself the American party, but which is better known as the Know-nothing party. From the time of the Philadelphia Convention, bitter attempts had been made now and again to limit the political influence of immigrants. To this "native" prejudice there was added, after the Irish immigration of the late forties, a silly fear of "Catholic" domination. The new party was a secret society whose purpose was to exclude from office all but native-born and all not in sympathy with this program. Members below the highest grade of officials were pledged to passive obedience to orders, and were instructed, when questioned as to party secrets, to reply, "I know nothing." The movement was bigoted in character and un-American in methods; but it

gained considerable strength in Eastern and Southern states, and elected several Congressmen. In part, it drew its strength from the desire to ignore slavery and find new issues.



The North might possibly have quieted down even under the iniquity of the Fugitive Slave law, had not the pro-slavery forces themselves almost at once broken the old compromises by an audacious measure. Louisiana, Missouri, Arkansas, and Iowa were the only states formed so far from the Louisiana Purchase (three of the four, slave states). The Compromise of 1820 had dedicated the vast remaining domain acquired by that purchase to freedom. Nearly all of it, however, was still unorganized. The Platte country (or "Missouri Territory") had never had any civil government provided for its wide areas. Immigrants to California had now been for some years pouring across the district; and in December of 1853, Stephen A. Douglas of Illinois, chairman of the Senate Committee on Territories, sought to set up the long-needed government—but his Kansas-Nebraska bill proposed that two new Territories there should be placed on the squatter-sovereignty basis as to slavery!

Indeed, both Douglas and Pierce put forward the amazing claim that this form of organization was implied, by the Compromise of 1850, for all subsequent Territories. But that compromise had specifically applied to certain territory just acquired from Mexico: no one had dreamed at the time that it was to repeal the old Compromise of 1820 regarding Louisiana Purchase territory. Most Northerners, accordingly, of all parties, looked upon the new move as a wanton violation of a sacred pledge; but the bill carried by a close vote—in the House, 113 to 100. Douglas had tried to make it a party measure, but it ended as a sectional measure. Half the Northern Democrats voted against it—though all the President's power of patronage had been used to whip them

into line—and the other half, almost to a man, lost their seats at the next election. All Southern Congressmen but nine, Whigs or Democrats, voted for it.

Now the struggle for "Bleeding Kansas" was transferred to the country at large. From Missouri thousands of armed slave-owners poured across the line to preëempt land—which, however, few of them made any pretense of really settling. From the North, especially from distant New England, came thousands of true settlers, financed often by the "Emigrant Aid Society," and armed with the new breech-loading Sharpe's rifle, to save Kansas for freedom. In like fashion, far-off Georgia sent her contingent of the "Sons of the South" religiously dedicated to the cause of slavery. But once more slavery proved its weakness. In spite of the neighborhood of slave territory, it was not easy to move slave plantations to a new state, especially to one not particularly adapted to slave labor; and the free-state settlers soon predominated in numbers.

The first Territorial legislature was carried by "Border Ruffians" from across the Missouri line. A preliminary "census" had shown only 2,905 voters in the Territory. On the evening before the election day, "an unkempt, sun-dried, blatant, picturesque mob of five thousand Missourians, with guns on their shoulders, revolvers stuffing their belts, bowie knives protruding from their boot-tops, and generous rations of whisky in their wagons," drove madly across the border, seized all but one of the polling places, and swamped the "free-state" vote. The pro-slavery legislature, so elected, unseated the few "free-state" members and passed stringent laws to protect slavery. The free-state settlers tried to disregard this fraudulent government (January, 1856), and it was denounced also by the governor, Andrew H. Reeder, who had been appointed as a strong pro-slavery man. But President Pierce removed Reeder and supported the pro-slavery legisla-

ture with United States troops. Actual war followed in Kansas between rival pro-slavery and free-state "governments," and bloody murders were committed both by raiders from Missouri and by free-state fanatics like John Brown.



In the debate on the Nebraska bill, Charles Sumner had declared that it "annuls all past compromises, and makes future compromises impossible. It puts freedom and slavery face to face, and bids them grapple." And said Emerson: "The Fugitive law did much to unglue the eyes; and now the Nebraska bill leaves us staring." That rash measure had coalized the discordant anti-slavery elements throughout the country into a new "third party." "Anti-Nebraska men" (Free Soilers, Northern Whigs, Northern Democrats opposed to Douglas' measure) drew together under the name Republican. This party took from the Free Soilers the program of prohibiting slavery in all "Territories." It adopted from the Whigs, who rallied to it in large numbers, their broad-construction views and their protective tariff program. And it recognized its Democratic element by nominating as its first candidate for President a young officer belonging to that party, John C. Fremont. The name "Republican" was designed to indicate the purpose of going back to the true democracy of Jefferson's original "Republican" party.

The first Republican National Convention (1856) contained representatives from all the free states and from Maryland, Delaware, and Kentucky. The platform asserted that under the Constitution neither Congress nor any Territorial legislature had authority to establish slavery in a Territory, urged a railway across the continent, and pledged liberal aid to commerce by river and harbor improvement. Despite the sweeping statement regarding slavery in the Territories, the party, down to the War, affirmed steadfastly that Congress had no right to interfere with the institution in the states, and its

leaders reviled Abolitionists almost as violently as the Southerners did.

In the election, Fremont carried all the Northern states but four. The "Know-nothings" carried Maryland. The Democrats elected their candidate, James Buchanan, by 174 electoral votes to 114. The Republicans, however, in this first contest, mustered 1,300,000 votes, to 1,800,000 for the Democrats.



And then (March, 1857) came the Dred Scott decision, in which the Supreme Court declared that both North and South were trying to stand upon unconstitutional ground—with a difference. Dred Scott was the slave of an army officer. In 1834 his owner had taken him to an army post in Illinois, and, later, to one in what is now Minnesota, and then back to Missouri. Slavery could not legally exist in Illinois, because of the Northwest Ordinance, or in Minnesota, because of the Missouri Compromise; and, some years later, Scott sued for his freedom on the ground that he became free legally when he resided in that free territory.

When the case reached the Supreme Court, that august body held that Scott was still a slave and had no standing in court,<sup>2</sup> and two-thirds of the Court concurred in the further and uncalled-for dictum of the Chief Justice (Roger B. Taney) that neither Congress nor Territorial legislature could legally forbid slavery in a Territory. The Constitution, said the Court, sanctioned property in slaves, and every citizen of the Union must have his property protected in any part of the common national domain. Only a state could abolish slavery.

This was a sweeping adoption of Calhoun's contention, and the precise reverse of Republican doctrine. According to this dictum, the restriction upon slavery in the Missouri Com-

<sup>2</sup> Scott was at once freed by his owner.

promise had always been void in law, even before repealed by the Nebraska Act. Quite as clearly, the opinion denied the "popular sovereignty" idea. But in exchange for this ground which it was told to surrender, the South was offered still more advanced and impregnable pro-slavery ground, while the Republican party was branded as seeking an end wholly unconstitutional and illegitimate by any means. It must surrender, or defy the Court—"that part of our government on which all the rest hinges."

Without hesitation, the Republican leaders defied the Court. Said Seward in the Senate: "The Supreme Court attempts to command the people of the United States to accept the principle that one man can own other men, and that they must guarantee the inviolability of that false and pernicious property. The people . . . never can, and they never will, accept principles so unconstitutional and abhorrent. . . . We shall reorganize the Court, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and the laws of nature." Lincoln, in public debate, even accused the Court of entering into a plot with Pierce, Douglas, and Buchanan, but a little later he said more temperately, "We offer no resistance to the decision, but we think it erroneous and we shall do what we can to have it overruled." Other Northerners foresaw Civil War. James Russell Lowell, on hearing of the Court's decision, wrote to Charles Eliot Norton, in Italy: "I think it will do good. It makes slavery national, as far as the Supreme Court can. So now the lists are open, and we shall soon see where the stouter lance shafts are grown, North or South." More moderately, but quite as decidedly, the influential *Springfield Republican* said: "In this country, the court of last resort is the people. They will discuss and review the action of the Supreme Court, and, if it presents itself as a practical issue, they will vote against it."

In spite of the position of the Court, the Congressional elections of the next year showed great Republican gains. The campaign was made famous by a series of joint debates in Illinois between Douglas (the "Little Giant") and Abraham Lincoln, candidates for the Senate. Lincoln was defeated, but he attained his deliberate purpose. His acute and persistent questions forced Douglas to choose between the new doctrine of the Supreme Court—to which the South now clung vociferously—and his own old doctrine of squatter sovereignty—which was certainly as far as Illinois would go. If he placed himself in opposition to the Supreme Court, he would not be able to secure Southern support for the presidency at the next election, to which men's eyes were already turned. If he did not oppose the Court, he would lose the Senatorship and Northern support for the presidency. In any case, the Slavery party would be robbed of its most formidable candidate in 1860. At Freeport, Douglas was driven to maintain that, despite the Dred Scott decision, a Territorial legislature could keep out slavery by "unfriendly legislation." This "Freeport doctrine" was at once denounced bitterly by the South.

Even more significant was the moral stand taken by Lincoln. The real issue, he declared, was the right or wrong of slavery—not any constitutional theory: "It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles which have stood face to face from the beginning of time, and which will ever continue to struggle. The one is the common right of humanity: the other is the divine right of kings. [Slavery] is the spirit that says, 'You work and toil and earn bread, and I'll eat it.' No matter in what shape it comes, it is the same tyrannical principle."<sup>3</sup>

<sup>3</sup> If Senators had been chosen by popular vote, as now, Lincoln would have won. The "Lincoln candidates" for the legislature (which was to choose the Senator) received 190,000 votes, to 174,000 for "Douglas men." But the Democrats had been in control of the legislature for some years, and had "gerrymandered" the state so skillfully that a majority of their candidates were elected.



In 1857, the free-state men won the Kansas elections so overwhelmingly that pro-slavery control there could no longer expect open support from Washington. The expiring pro-slavery legislature, however, still provided for a pro-slavery convention, which met at Lecompton (November, 1857). President Buchanan had purchased for that body the privilege of meeting in peace by promising that its work should be submitted to popular vote. This pledge was not kept. The convention arranged a "constitution with slavery" and a "constitution with no slavery"—which last, however, left in bondage the slaves then in the Territory and forbade the residence of free negroes. At the promised election, the voters were permitted merely to choose between these two constitutions: they were given no opportunity to reject both.

The free-state men kept away from the polls; and the "constitution with slavery" carried overwhelmingly, six thousand to less than six hundred. But the new free-state legislature provided for a new and proper expression of opinion. This time the pro-slavery men abstained from voting; and the two constitutions together received less than two hundred votes, to more than ten thousand against both of them. Still, the South and the administration at Washington strove violently to secure the admission of the state with the "Lecompton constitution," claiming the first election as valid.

This nefarious attempt to rob the people of their will was defeated by the courageous opposition of Douglas, who remained true to his doctrine of popular sovereignty—although thereby he incurred the deadly enmity of "Administration" Democrats. (It was this split in his own party, quite as much as Lincoln's campaigning power, that Douglas had to contend with in the Senatorial fight of 1858, just described.) But even after that split, the Administration Democrats were strong enough to keep Kansas from admission as a free state till 1861,

when the Southern Senators had left Washington. Meantime, however, two other states came in, to establish Northern supremacy in the Senate—Minnesota (1858) and Oregon (1859).

In one other vital matter at this same time the Slave Power offended the moral sense and threatened the material interest of "free" labor. As early as 1845, Andrew Johnson of Tennessee (page 490) introduced in Congress the first "Homestead bill"—to give every homeless citizen a farm from the public lands. Several times such bills passed the House. But larger free immigration into the public domain would end all chance to set up slavery there; and the Slave Power, formerly favorable to a liberal land policy, now defeated all these bills in the Senate. This helped to make the masses of the North see the fundamental opposition between free and slave labor, while the position of the anti-slavery parties, appealed to Northern workingmen. The Free Soilers declared in their platform of 1852, in full accord with the labor parties of twenty years before: "The public land of the United States belongs to the people, and should not be sold to individuals or granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities, free of cost, to landless settlers."

In June of 1860, the House again passed a Homestead bill giving any head of a family a quarter section after five years' residence thereon. The Republican platform, a little later in the same year, "demanded" the passing by the Senate of that "complete and satisfactory measure," protesting also "against any view of the free homestead policy which regards the settlers as paupers or suppliants for public bounty." This time the new Northern votes in the Senate did pass the bill, but Buchanan vetoed it. "The honest poor man," argued the President with gracious rhetoric, "by frugality and industry can in any part of our country acquire a competency. . . .

He desires no charity. . . . This bill will go far to demoralize the people and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries."

Two other events, fatal to compromise, must be noticed, before we take up the fateful election of 1860.

1. In 1859, John Brown tried to arouse a slave insurrection in Virginia. He seems hardly to have comprehended the hideous results that would have followed a successful attempt. He planned to establish a camp in the mountains to which negro fugitives might rally, and his little force of twenty-two men seized the arsenal at Harpers Ferry, to get arms for slave recruits. The neighboring slaves did not rise, as he had hoped they would, and he was captured after a gallant defense. Virginia gave him a fair trial, and he was convicted of murder and of treason against that commonwealth. His death made him more formidable to slavery than ever he had been living. The North in general condemned his action, but its condemnation was tempered by a note of sympathy and admiration ominous to Southern ears. Emerson declared that Brown's execution "made the scaffold glorious—like the Cross."

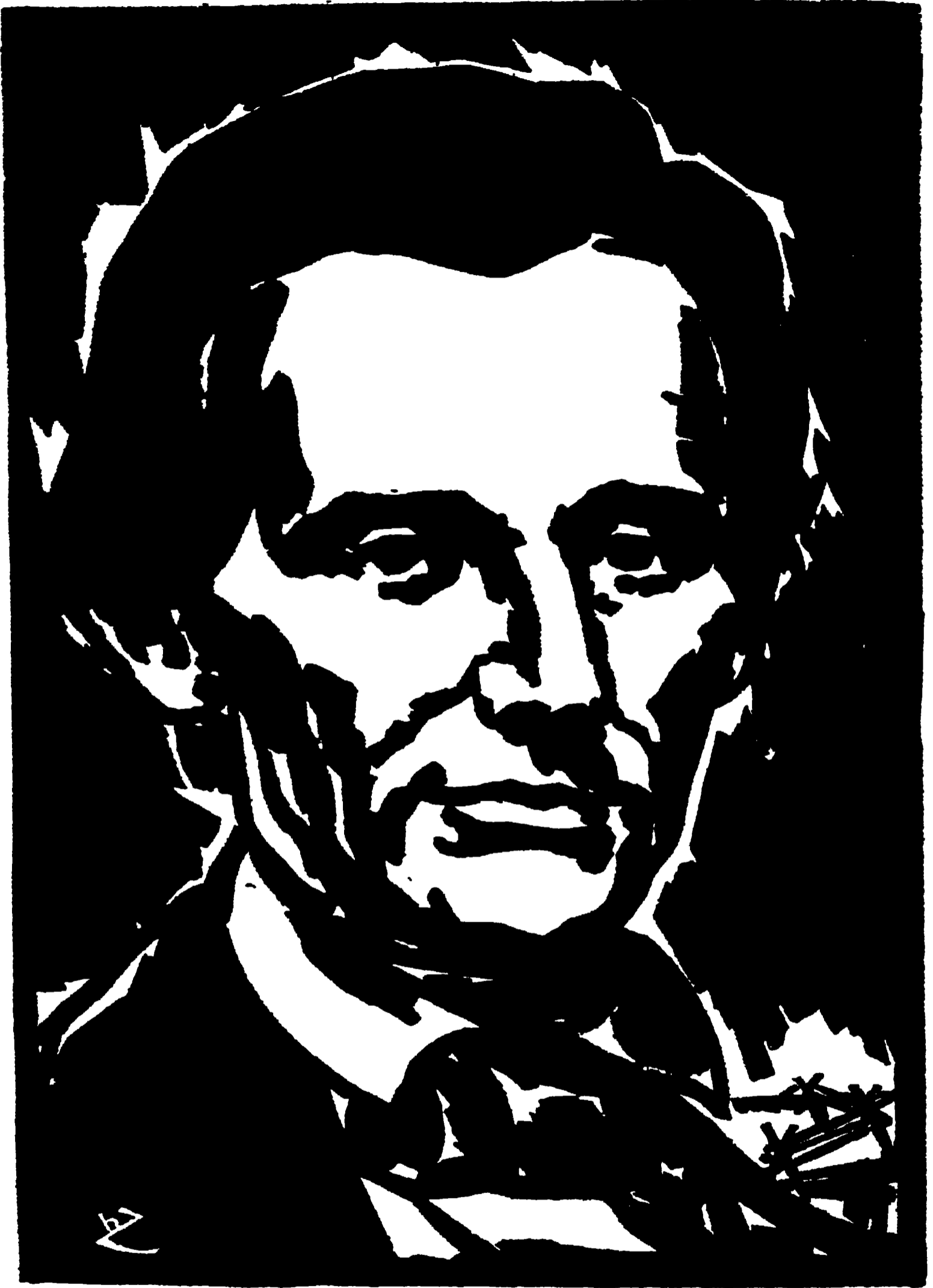
2. In 1852, Mrs. Harriet Beecher Stowe had written *Uncle Tom's Cabin*, one of the greatest moral forces ever contained between book covers. The volume undoubtedly misrepresented slavery—as though exceptional incidents had been the rule; but it did its great work in making the people of the North realize that the slave was a fellow man for whom any slavery was hateful. The tremendous influence of the book, however, was not really felt for some years. The boys of fourteen who read it in 1852 were just ready to give their vote to Abraham Lincoln in 1860. This explains, too, in part, why the college youth who had been generally pro-slavery in 1850 left college halls vacant in 1861 to join the ranks that chanted "John Brown's Body" for a battle song.

## Part Nine

### Nationalism Victorious, 1860-1876

*“What costly stuff whereof to make a nation,” exclaimed Lowell in 1865, sorrowing over the glorious dead.*

*But that terrible struggle between North and South did finally demonstrate that the United States is a nation, not a confederacy. For all time it prevented the break-up of the Union into squabbling communities, bickering incessantly over trade and boundaries, and so preserved the whole breadth of the continent for Peace.*



*You never see*      *A. Lincoln*

“ . . . THAT GOVERNMENT OF THE PEOPLE, BY THE PEOPLE, AND FOR THE PEOPLE SHALL NOT PERISH FROM THE EARTH.”

## CHAPTER XXXII

### ON THE EVE: AMERICA IN 1860

THE last three chapters have dealt with the period 1845-1860, but only in regard to the slavery question. Those years had also other aspects, far more engrossing to most men of the day. New opportunities to seize wealth were opening on every side in a dazzling rush. For the first time in American history, riches were growing faster than population. To multitudes the slavery discussion appeared mainly as an annoying interruption to the real business of life.

Between 1850 and 1860, railway mileage multiplied enormously, and in the North the map took on its modern gridiron look. Lines reached the Mississippi at ten points, and some projected themselves into the unsettled plains beyond. With the railway, or ahead of it, spread the telegraph. Mail routes, too, took advantage of rail transportation; and in 1850, letter postage was lowered from 5 cents for 300 miles to 3 cents for 3,000 miles. With cheap and swift transportation and communication, the era of commercial combinations began and great fortunes piled up beyond all previous dreams. The new money kings, railway barons, and merchant princes of the North, it was noted, joined hands with the great planters of the South in trying to stifle opposition to slavery—because all such agitation “hurt business.”

For labor, too, the period was a golden age. Between 1840 and 1860 wages rose 20 per cent, and prices only 2 per cent. Pauperism was unobtrusive, and, to foreign observers, amazingly rare. Inventions had multiplied comforts and luxuries (page 507f.). Pianos from Germany (and an increasing num-

ber from the New England Chickering factories<sup>1</sup>) were seen in Western villages, and French silks sometimes found their way to the counter of a crossroads store. Western farmers moved from their old log cabins into two-story frame houses, painted white, with green blinds. That same rather bare sort of building was the common "town" house also in the West—varied, however, by an occasional more pretentious and often more ugly "mansion" of brick or stone.

New England and New York had learned the lesson of conservative banking, but in the West most banks were still managed recklessly. In 1857, accordingly, came another "panic," due, like that of 1837, to speculation, wild inflation of credit, and premature investment of borrowed capital in enterprises that could give no immediate return. This time, however, the country recovered quickly from the disorder.

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The twenty years preceding the Civil War saw an industrial transformation due to the development of farm machinery. One farm laborer in 1860 could produce more than three in 1840 and more than twenty ten years earlier. This was particularly true in grain farming. Until 1850, the dominant agricultural interest of the United States had been the cotton and tobacco of the South. After that date, it became the grain of the Northwest. For that section, McCormick's reaper (and the drills and threshers that soon followed it) worked a revolution akin to that worked for the South a half-century earlier by Whitney's cotton gin.

Until 1850, too, the more distant parts of the West—Wisconsin, Iowa, Minnesota, ~~Nebraska~~, southern Illinois—had remained tributary commercially to New Orleans, by the river. Now this Northwest suddenly changed front. Farm machin-

<sup>1</sup> The growth of musical culture in America owes an incalculable debt to Jonas Chickering. He became the Henry Ford of musical development—visioning the idea of a well-built piano that could be sold at popular prices because of a system of mass production.

ery and the railway made it possible for it to feed the growing Eastern cities and even to export its surplus to Europe from Eastern ports. Accordingly, most of our railroads were built to run east and west. And four-fifths of them in 1860 were north of the Ohio and Potomac.

This change in trade routes was more than economic. It completed the break in the old political alliance of South and West—already begun by the moral awakening on slavery—and foreshadowed a political alliance of Northeast and Northwest. The merit of the Compromise of 1850 in our history is that it put off the war until this alliance was cemented and the Northwest was, body and soul, on the side of the Union. That district no longer had its old community of interest with the South, but, on the other hand, it was opposed, for excellently concrete reasons, to letting the South leave the Union. True, the Mississippi was no longer its exclusive or most important trade artery, but the surviving value of the river in that respect, along with its traditional importance, had power enough to keep the Northwest from acquiescing in the prospect of the river's lower reaches passing under the control of a "foreign" state. It is conceivable that at any earlier date the Northwest might have gone with the South, but not that it would ever have consented to the South's going alone.

In yet another way the recent industrial changes may be said to have won the Civil War. Without the improved reapers and threshers of the period, Northern grain fields could never have spared the men who marched with Grant and Sherman. As things were, however, with half its men under arms for four years, the North actually increased its farm output.

Moreover, King Cotton was dethroned, or at least his rule was threatened from many quarters aside from this growth of grain farming. The farthest end of the rich black belt

had been reached—in Texas—and there could be no further important expansion of the product except by more intensive cultivation of the old acreage. And just at this same time, manufactures had spurred into the lead. The census of 1860 showed a greater value in dollars for factory output than for all the Southern plantations. Both Northeast and Northwest had left the South behind in industrial production.

Of course, all general statements regarding “sections” and “interests” in a vast country like the America of 1850-1860 call for qualification on qualification. So, indeed, from a much earlier period. From the days of Jefferson and Hamilton, the opposing interests and sections had been the commercial and manufacturing Northeast and the agricultural South and West. But Eastern *commerce* was for a long time more interested in Western agriculture than in Eastern manufactures, and, for a much longer time still, it found a huge part of its business in carrying agricultural products.

Besides, the grain farmers of the West felt an interest in the growth of Eastern factory populations to make a market for their output. To be sure, Southern planters knew that the chief market for their staples must for many years longer anyway be sought abroad; but even among the planters, interests were not uniform. The sugar cane planter early came to see a virtue in protective tariffs that were exceedingly repulsive to the cotton and tobacco planters. In other ways, too, there was an interpenetration of interests hard to take into account. On many a Western stream and in hundreds of little towns, there had begun to flourish small factories for the manufacture of articles of wood and iron and even for textiles, and the proprietor and foremen of each of these “shops” felt the same interest in a protective tariff that the owners of the mighty Massachusetts factories at Fall River felt.



Even before we acquired California, American missionaries and traders had brought Hawaii under American influence; and in 1844, Cabeb Cushing, acting for our government, had persuaded China to open five "treaty ports" to our trade. After 1850 this Oriental trade expanded swiftly; and in 1854, Commodore Perry, under orders from Washington, entered Japanese ports with a fleet of warships and, by "courteous coercion," secured a commercial treaty with that country—whose policy had always been to shut out all foreigners. Our growing commerce with the Orient and with Europe was still carried in the fifties in our own splendid fleets of swift-sailing clipper ships—although the great day of the American merchant marine was soon to close, when Great Britain's new and swifter steamship lines should have captured the commerce of the seas.

After the discovery of gold in California (and with the opening of these prospects of Oriental trade) the question of transportation across the Isthmus of Panama arose. Great Britain and the United States each tried to secure routes for a canal from ocean to ocean; but in 1850 the Clayton-Bulwer treaty agreed that any canal across those narrow lands should be neutral, and subject to common control by the two countries. In 1855 a railway was opened across the Isthmus, and regular steamship lines were established to connect its ends with New York and San Francisco, but the journey by that route remained long and formidable.

The ambitious project of a transcontinental railway, too, was agitated constantly after 1850; but, for almost twenty years more, nearly all real immigrants to the Pacific coast districts had to continue to travel the two thousand miles from the Mississippi in trains of covered wagons along the Oregon-California Trail. In the later fifties, however, the Wells-Fargo Company established relays of heavily armed stage

coaches over that route, so that government officials and wealthy travelers could make the trip from St. Joseph in Missouri to the coast in twenty-five days (instead of three months). Important mail, at the rate of five dollars for a thin letter sheet, was carried even more swiftly—in ten days—by the daring riders of the “Pony Express” (map, page 561). And in 1861, encouraged by the prospect of a government subsidy, the Western Union finally carried a telegraph line across the mountains to San Francisco. Cable communication with Europe was not established until after the Civil War, though the indomitable Cyrus Field had already sunk one fortune in the attempt and was at work making another to devote to the same end.



Between 1840 and 1860, population nearly doubled, rising from 16½ million to 31½ million (maps, page 446)—making a larger nation than any then in Europe except Russia. This rapid increase was due, far more than at any earlier time, to European immigration (page 560). In 1860 a sixth of the American people were foreign born, and in some Northern states nearly half were European immigrants.

Population continued to shift from country to city, especially in the Northeast. In 1860 there were 158 cities of eight thousand people and up, or five times as many as in 1830 (page 482). The cities now contained one man in six—instead of one in twelve, as in 1840, or one in twenty, as in 1800. Nine cities had reached the 100,000 mark, and New York was approaching a million. In 1840, Chicago had only 5,000 people, living in cheap wooden houses along unpaved streets: in 1860 it had 109,000.

The cities of 1860 were still large towns gone to seed from rapid growth. They were unplanned, ugly, filthy, poorly policed; and the larger ones were run by corrupt “rings” of politicians, who maintained their power by unblushing fraud.

Still many improvements had appeared. Business streets were paved, and lighted with gas; the water supply was much better than in the towns of thirty years before; and street car lines were installed (the cars drawn along rails by horses). Boston led in the introduction of public sewers, in 1823. New York's "Croton Water" (brought in by a great engineering enterprise in 1842) was long a by-word for excellence. In 1852 New York introduced a uniformed and disciplined "Metropolitan police," as London had done earlier, and other places were following that example. The invention of the steam fire-engine in 1853 led promptly to the organizing of paid and trained fire companies, and promised better protection against devastating fires. In 1858, New York set aside a thousand acres for her "Central Park." Until then (except for two or three open spaces) the only city parks had been chance survivals of old village grazing grounds, as with Boston Common.



The North contained nineteen million of the thirty-one and a half million people of the Union; and of the twelve and a half million in the South, four million were slaves. Moreover, when the war line was finally drawn, four slaveholding states (Maryland, Delaware, Kentucky, and Missouri) remained with the North. These states contained a fourth of the "Southern" population; and the recruits which these divided districts sent to the South were about offset by recruits to the North from "West" Virginia and Eastern Tennessee. Thus, for totals, secession was to be supported by less than five and a half million whites (with three and a half million slaves) against more than twenty-two million citizens for the Union. The area of Secession contained one white man of military age to four in the North. The North had three-fourths the railway mileage, six-sevenths of the

cities, and a vastly larger proportion of the wealth of the Union.

The South, too, was less able to feed and clothe armies. She furnished seven-eighths of the world's raw cotton; but she did not raise her own full supply of food, and manufactures were almost totally lacking. Minerals and water power were abundant, but unused. Said a Charleston paper to its people: "Whence come your axes, hoes, scythes? Yes, even your plows, harrows, rakes, ax and auger handles? Your furniture, carpets, calicoes, and muslins? The cradle that rocks your infant, the top your boy spins, the doll your girl caresses, the clothes your children wear, the books from which they are educated . . . all are imported into South Carolina." "The North," says Rhodes, "combined the resources of farm, shop, and factory; the South was but a farm"—and a farm which received from outside much of its bread and meat.

Even so, only half as much of the land was cultivated South as North. The value of Southern farm land, too, was less than that of similar land in the North, while the value of farm machinery to each cultivated acre was not half that in the North. Slaves could not be trusted with machinery.

That the difference was due not to climate, but to labor, is clear from the fact that it showed instantly upon crossing a state line. In 1796, George Washington noted the higher prices of land in Pennsylvania than in Maryland "though not of superior quality"; and added his opinion, on that ground, that Virginia must follow Pennsylvania's example of emancipation "at a period not far remote." Tocqueville noted the contrast between the north and south banks of the Ohio: thinly scattered population, with occasional gangs of indolent slaves in the few, "half-desert" fields, as over against "the busy hum of industry . . . fields rich with harvest . . . comfortable homes . . . prosperity on all sides." In 1859, Frederick Law Olmstead made a journey through the Southern states, and his acute observations (summed up in his *Cotton*

*Kingdom*) show that the industrial retardation of the South had been steadily increasing up to the final catastrophe.

One-fifth of the whites in the South owned slaves; but only eight or ten thousand families owned more than fifty apiece. This aristocracy (in which should be counted also several thousand professional men, usually with only a few slaves) had a peculiar charm, if only the ugly substructure could be forgotten. The men were leisured and cultivated, with a natural gift for leadership and a high sense of public duty. They were courageous, honorable, generous, with easy bearing and a chivalrous courtesy. Visitors from the Old World complained that Northern men were absorbed in business cares and lacking in ease of manner, but they were always charmed by the aristocratic manners and cultivated taste of Southern gentlemen.

It must be added, however, not only that the great body of small slave-owners were destitute of this charm, but that they were often uneducated. The South produced little literature of a high order (except political speeches) and little art. On the other hand, Southern politics had absolutely no taint of that corruption which had appeared in the North.

Man for man, in marching and fighting, the Southerner was far more than a match for the man of the North—especially for the man of the Eastern cities. Southern outdoor life and familiarity with firearms counted for much in the early campaigns of the war. The North had been sadly deficient in athletics and in wholesome living, and was at its lowest ebb in physical condition. The agricultural population of the West, however, resembled the South in physical characteristics; and the men of the North, city or country, had a mechanical ability, useful in repairing or building bridges or engines, which was to be less apparent in the armies of the South—although the Southern initiative in the use of ironclads and of the submarine torpedo suggests that this distinction has been overstressed by some Northern writers.



In April, 1860, the Democratic National Convention met at Charleston, amid tense excitement over the whole country. Douglas men had a majority, but not the necessary two-thirds. The Southern extremists insisted on a platform affirming the duty of Congress to defend slavery in all Territories and condemning Douglas' doctrine of possible "unfriendly legislation" as unconstitutional. The Douglas men voted this down. Then the Southern delegates withdrew. After ten days of fruitless negotiation with that seceding faction, the Convention adjourned, to meet at Baltimore in June. There the moderates nominated Douglas. The seceders then placed in nomination John C. Breckinridge of Kentucky upon their extreme platform.

Meantime, conservative representatives of the old Whig and "Know-nothing" parties organized as the Constitutional Union party; and their Convention (May 9) nominated John Bell of Tennessee, announcing the compromise platform, "No constitutional principles except the Constitution of the country, the Union of the states, and the enforcement of the laws." This party received support from the great moneyed interests of the North and from many of the large planters of the South. (Astor is said to have given it \$2,000,000 to help carry New York against Lincoln.)

A week later, the Republican Convention met at Chicago in a vast "wigwam," amid wild enthusiasm from thousands of spectators. At first Seward was the leading candidate; but he had many personal enemies, and the third ballot nominated Abraham Lincoln. Most New England Republicans were deeply grieved. They believed that, in passing by Seward, principle had been sacrificed to a mistaken idea of expediency, and they looked upon Lincoln as not only obscure, but ignorant, uncouth, and incapable. Most of his support, indeed,

came from men who regarded him as "available" rather than particularly desirable. Almost no one of prominence yet dreamed of the wise, patient, steadfast, far-seeing man, of homely grandeur, that the next years were to reveal.

With the Democratic party hopelessly divided, Republican victory in the electoral college was almost certain. To the South, that prospect seemed to mean ruin—or secession. The Republican platform had once more reasserted that Congress had no power to interfere with slavery in the states, but in the 1858 debate with Douglas, Lincoln had said boldly and sagaciously: "‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall; but I expect it will cease to be divided. It will become all one thing or all the other." The South saw that this speech was the real platform—to which the Republican party would have to come. Republican success would mean eventually a reversal of the Supreme Court and continued progress toward Lincoln's "nation all free."

Lincoln carried every Northern state (including California) except for three of the seven New Jersey electors. Douglas received only those three votes and the nine from Missouri, though his popular vote was nearly as large as Lincoln's. Bell carried the moderate Border states,—Virginia, Kentucky, and Tennessee. The other Southern states went to Breckinridge. Lincoln had 180 electoral votes to 123 for his three competitors combined; but in the popular vote, he had only 1,857,610 out of a total of 4,645,380. The victory was narrow; and it was the victory of a divided section over a weaker but more united section. It was the expected result—and the South proceeded promptly, along lines already determined, to break up the Union so as to save slavery and set up an agricultural state ruled by aristocratic planters and freed from tariff-tribute to Northern manufacturers.

## CHAPTER XXXIII

### THE WAR BETWEEN NORTH AND SOUTH

*. . . And all for a belated principle in government, an outgrown economy, an impossible purpose! There is in history no devotion not religious, no constancy not meant for success, that can furnish a parallel to the devotion and constancy of the South in this extraordinary war.*—WOODROW WILSON.

#### THE CALL TO ARMS

NOVEMBER 10, four days after Lincoln's election, the legislature of South Carolina appropriated money for arms, and called a state convention to act on the question of secession. All over the state, palmetto banners unfurled and "liberty poles" arose. December 17, the convention met. Three days later, it unanimously "repealed" the ratification of the federal Constitution by the state convention of 1788, and declared that "South Carolina has resumed her place among the nations of the world." By February 1, like action had been taken in Georgia and the five Gulf states—the entire southern tier of states and, more to the point, all the predominately cotton states.

Northern writers long charged that the Southern leaders carried secession as a "conspiracy," and that they were afraid to refer the matter to a direct vote. This is absolutely wrong. Public opinion forced Jefferson Davis onward faster than he liked, and the mass of small farmers were more ardent than the aristocracy—whose large property interests tended, perhaps, to keep them conservative. For more than a year, in the less aristocratic counties, popular conventions, local meetings, and newspapers had been threatening secession if a

President unfriendly to the Dred Scott decision should be elected; and when even the "Fire-eater" Toombs paused at the last moment to contemplate compromise, his constituents talked indignantly of presenting him with a tin sword. The South was united in 1861—ininitely more so than the colonies were in 1776. The leaders acted through conventions, not because they feared a popular vote, but because their political methods had remained unchanged for seventy years and because they thought it seemly for their states to secede by the same machinery by which they had originally "acceded" to the Union.

Few Southerners questioned the right of a "sovereign state" to secede. The sole difference of opinion was whether sufficient provocation existed to make such action wise. When a state convention had voted for secession, even the previous "Union men" went with their state, conscientiously and enthusiastically. Alexander H. Stephens made a desperate struggle in Georgia for the Union, both in the state campaign and in the convention; but when the convention decided against him, 208 to 69,<sup>1</sup> he cast himself devotedly into secession. He would have thought any other course treason. Allegiance, the South felt, was due primarily to one's state. To understand the splendid devotion of the South to a hopeless cause during the bloody years that followed, we must understand this viewpoint. The South fought "to keep the past upon its throne," economically, socially, politically; but it believed, with every drop of its blood, that it was fighting also for the sacred right of self-government, against "conquest" by tyrannical "invaders."

<sup>1</sup> The real test vote had come a little earlier—165 to 130. This was the strongest Union vote in the lower South. In Mississippi, the test stood 84 to 15; in Florida, 62 to 7; in Alabama, 61 to 39; in Louisiana, 113 to 17. In Texas the question was referred to the people, and in spite of a vigorous Union campaign by Governor Sam Houston they voted three to one for secession. See also the popular votes a little later in Tennessee and Virginia (page 602).

February 4, a convention of delegates from the seven seceding states met to form a new union—the Confederate States of America. The constitution was modeled upon that of the old Union, with some new emphasis on state sovereignty. Jefferson Davis was soon chosen President of the Confederacy, and Alexander H. Stephens Vice President.

Most of the Confederacy did not believe the North would use force against secession. Still it made vigorous preparation for possible war. As each state seceded, its citizens in Congress and in the service of the United States resigned their offices. The small army and navy of the Union were in this way completely demoralized—losing nearly half their officers. Each seceding state, too, seized promptly upon the federal forts and arsenals within its limits—sending commissioners to Washington to arrange for money compensation. In the seven seceded states, the federal government retained only Fort Sumter in Charleston harbor and three forts on the Gulf. Federal courts ceased to be held in the seceded states, because of the resignation of judges and other officials and the absolute impossibility of securing jurors. Federal tariffs were no longer collected. Only the post office remained as a symbol of the old Union.

President Buchanan, in his message to Congress in December, declared that the Constitution gave no state the right to secede, but—a curious paradox—that it gave the government no right “to coerce a sovereign state” if it did secede. For the remaining critical three months of his term he let secession gather head as it liked. With homely wit, Seward wrote to his wife that the message shows “conclusively that it is the President’s duty to execute the laws—unless some one opposes him—and that no state has a right to go out of the Union—unless it wants to.”

This flabby policy, moreover, was much like the attitude of the masses of the North during those same months. Even

from Republican leaders resounded the cry, "Let the erring sisters go in peace." In October, General Scott, Commander of the army, suggested to the President a division of the country into four confederacies,—for which he outlined boundaries. Northern papers declared "coercion" both wrong and impossible. Horace Greeley's *New York Tribune*, for years the greatest anti-slavery organ and now the chief mold of Republican opinion, expressed these views repeatedly: "We hope never to live in a republic, whereof one section is pinned to another by bayonets" (November 9); "Five millions of people . . . can never be subdued while fighting around their own hearthstones" (November 30); "The South has as good a right to secede from the Union as the colonies had to secede from Great Britain" (December 17); "If the Cotton States wish to form an independent nation, they have a clear moral right to do so" (February 23, 1861). Even Lowell thought the South "not worth conquering back." And Wendell Phillips asserted (April 9), "Abraham Lincoln has no right to a soldier in Fort Sumter."

The Border states urged one more try at compromise. Virginia called a Peace Convention which was well attended and which sat at Washington through February. This body, and many Republican leaders, proposed various amendments to the Constitution to fortify slavery and so conciliate the South: especially to provide federal compensation for escaped slaves, and to divide the national domain, present *and future*, between slavery and freedom, along the line of the old Missouri Compromise. President Davis, when consulted, declared himself willing for the seceded states to reënter the Union on this last basis—trusting, no doubt, in such case, to the seizure in the near future of Cuba and Mexico—which would then, under the proposed arrangement, automatically become slave territory. But the project fell before Lincoln's resolute "No." Lincoln was willing and extremely anxious to make other concessions, but he refused firmly to approve any tampering with

the fundamental Republican doctrine of free Territories—and the consequent restriction of slavery within its existing limits. The only outcome of this compromise agitation, therefore, was the hasty submission to the country of an amendment prohibiting Congress from ever interfering with slavery *in the states*. As Lincoln said, this merely made express what was already clearly implied in the Constitution. It was wholly inadequate to satisfy the South, but it passed Congress with a solid Republican vote and was ratified by three Northern states before war stopped the process.



Such was the situation when Lincoln took over the reins from Buchanan's feeble hands on March 4, 1861. Lincoln's inaugural argued adroitly that there was no Constitutional right of secession, and stated firmly his intention to use all the resources of his office—though without any unnecessary violence—to preserve the Union unbroken. After recognizing frankly that any section always had the *revolutionary* right to try to secede if it felt enough aggrieved, Lincoln went on to argue winningly against the unwisdom of such a course under existing conditions. Then the great address closed with a moving appeal to the South for reconciliation and the avoidance of hasty hostile action.

I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. . . . I consider that, in view of the Constitution and the laws, the Union is unbroken; and to the extent of my ability, I shall take care . . . that the laws of the Union shall be faithfully executed in all the States. . . . In doing this there need be no bloodshed . . . unless it is forced upon the National authority. . . . The power confided to me will be used to hold . . . the property and places belonging to the government, and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against the people anywhere. . . .

. . . Physically speaking, we cannot separate: we cannot remove

our respective sections from each other, nor build an impassable wall between them. . . . Intercourse, either amicable or hostile, must continue between them. Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before? Can aliens make treaties easier than friends can make laws?

In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. . . . You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to "preserve, protect, and defend" it.

Abraham Lincoln remains one of history's enigmas—the "unfathomed Lincoln" of Carl Sandburg's noble story, although Senator Beveridge's recent but uncompleted realistic biography has brought to a clearer focus the picture of the man in years preceding his presidency. To some close observers he seemed mainly a low buffoon if not quite the "mere baboon" that more vitriolic critics styled him. To others, he revealed himself "a man of sorrows," bearing his heavy cross up his Calvary to expiate the sins of his countrymen. During his first weeks of office, he was surrounded by a Cabinet nearly every member of which at first felt (with no great secrecy about it) more competent than he to guide the ship of state—and any one of whom probably would have run it a hopeless wreck on the rocks within three months, had the tactful and almost unfelt control of the master been withdrawn. And these statesmen had to be taught each his proper place, quickly but without serious offense to his self-love, by a harassed President, who, for one public reason or another, could not spare any one of them from his tottering administration.

Then, as always, Lincoln heard all counselors patiently; but after all, his most earnest efforts were given to keeping touch with the plain people whom he so well understood. His own eyes were set unwavering upon his goal—the preservation of the Union—while with unrivaled skill, he kept his finger on

the nation's pulse, to know how fast he might move toward that end. For a time he was railed at by noisy extremists, who would have had him faster or slower; but the silent masses responded to his sympathy and answered his appeal with love and perfect trust, enabling him to carry through successfully the greatest task, so far, set for any American statesman. To the credit of America's men of letters, be it said, the masters in that field—Longfellow, Bryant, Whittier, and especially the fastidious Emerson and Lowell—were among the earliest public voices to divine and proclaim his greatness.

The country now paid heavily, through the wear upon its burdened chieftain, for its low tone toward the spoils system. Washington was thronged, beyond all precedent, with office seekers, who were "Republicans for revenue"; and the first precious weeks of the new administration had to go largely to settling petty personal disputes over plunder. Lincoln compared himself to a man busied in assigning rooms in a palace to importunate applicants, while the structure itself was burning over his head; and in 1862, when an old Illinois friend remarked on his careworn face, he exclaimed with petulant humor—"It isn't this war that's killing me, Judge: it's your confounded Pepperton post office!"



Despite the seeming apathy of many leaders, the masses of the North needed only a blow and a leader to rally them for the Union. Then South Carolina fired on the flag, and Abraham Lincoln stood forth the needed leader.

From November to April, Major Robert Anderson, with sixty soldiers, had been holding Fort Sumter in Charleston harbor. In vain he had pleaded to Buchanan for reinforcements. In January there had been a feeble show of sending them; but the merchant vessel, weakly chosen for the purpose, was turned back easily by a few Secessionist shells, and fur-

ther efforts of the kind were soon made more difficult by rising batteries—whose construction Anderson's orders did not authorize him to prevent.

One month after taking office, Lincoln decided (against the advice of his united Cabinet) to send such supplies as might make it possible for Anderson to hold the fort. The Confederates at Charleston took the announcement of this decision as a declaration of war, without waiting for the actual arrival of the reinforcements, and, April 12, began the bombardment of Sumter. (This act seems to have been unauthorized by the supreme command of the Confederacy. With his usual wisdom, Jefferson Davis had been striving to avert an open clash.) Thirty hours later, with the fortress in ruins, Major Anderson surrendered. The next day, April 15, the wires flashed over the country Lincoln's stirring call for seventy-five thousand men.

Then came a magnificent uprising of the North. Laborers, mechanics, business men, professional men, college boys and their learned teachers shouldered muskets side by side. From Maine to California, devotion and love for the Union spoke with one mighty voice. Banks offered huge loans without security, and wealthy men placed their private fortunes at the disposal of the government. By July, 310,000 men were in the field. Before the close of 1861, the number was 660,000, enlisted for "three years or the war." Party distinctions faded. Talk of compromise was drowned in the din of arms. Douglas, dying though he was, hastened gallantly to Lincoln's support, and Buchanan gave cordial aid. Lowell wrote of "that first gun at Sumter which brought the free states to their feet as one man," and four years later while sorrowing for his own glorious dead, he told again how—

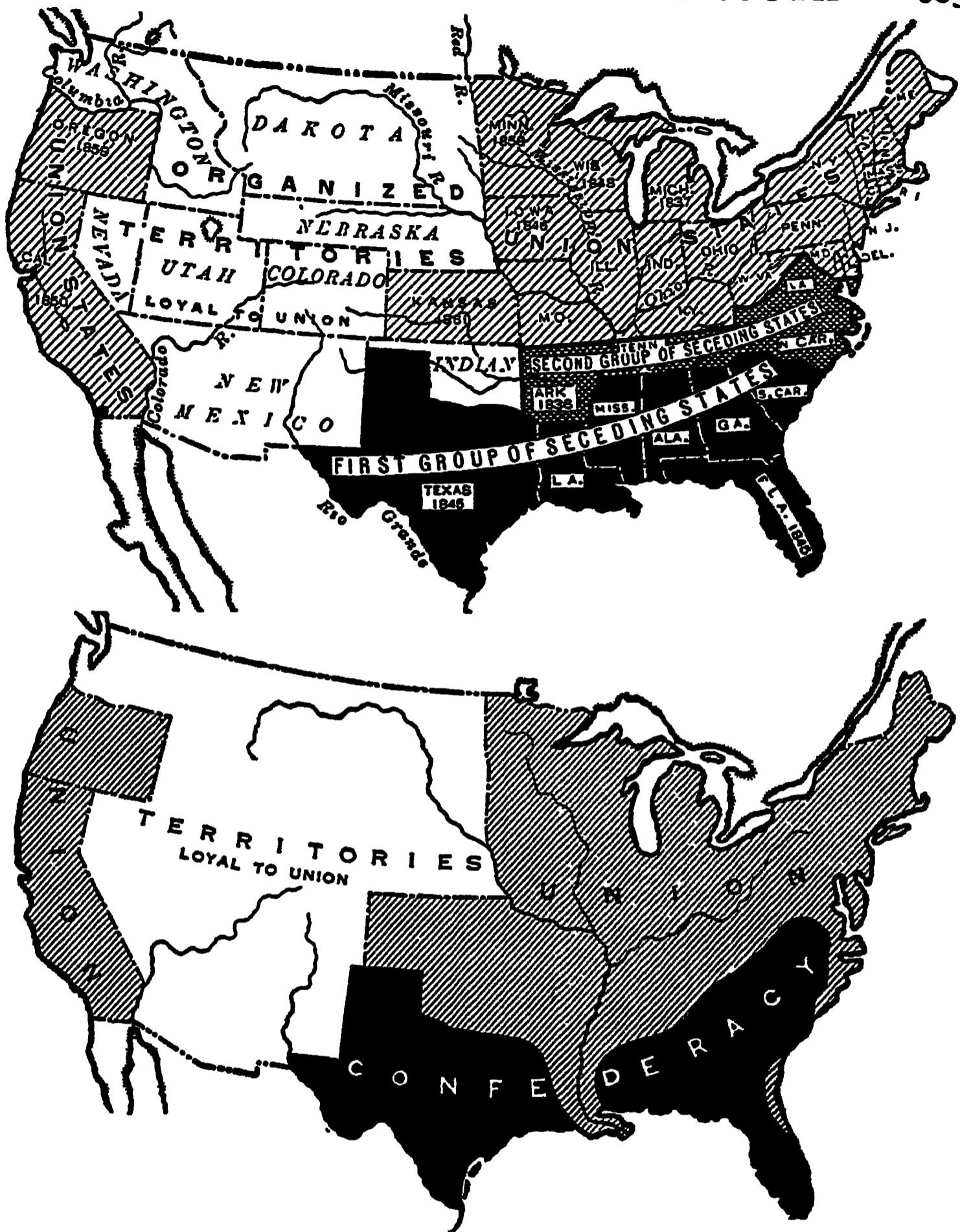
America lay asleep, like the princess of the fairy tale, enchanted by prosperity. But at the fiery kiss of war, the spell is broken, the blood tingles along her veins, and she awakens, conscious of her beauty and her sovereignty.

With even greater unanimity, if possible, the Confederacy sprang to arms. And now the remaining slave states had to choose sides. Within six weeks the second tier (North Carolina and Virginia, Tennessee, Arkansas) joined the Confederacy rather than join in attempts "to coerce sister states," and the Confederate capital was moved from Montgomery to Richmond, within striking distance of Washington.

The legislature of Tennessee submitted the matter of secession to the people; and the vote stood 105,000 to 47,000 (the eastern mountain counties, like their West Virginia neighbors, containing a strong Union element). In Virginia the convention vote was two to one. There also the question was afterward submitted to a popular vote, and the convention was upheld by a vote of three to one. The people of the western counties, however, did remain Union men. Soon they organized a separate government of their own, and in 1863, in spite of some Constitutional irregularity, West Virginia was admitted as a state of the Union.

The third tier of slave states (Maryland and Delaware, Kentucky, Missouri) were the true "Border states." Delaware was firm for the Union from the first. In spite of strong secession sentiment, the others were finally kept in the Union by Lincoln's wise diplomacy and by swift action of Union armies—though their inhabitants sent many regiments to swell the Southern ranks. So the lines were drawn, twenty-two states against eleven.

In Missouri the state government was in the hands of Secessionists; but, to the surprise of those men, a state convention voted by a fair margin to remain in the Union. Undismayed, the Secession element was bent on carrying the state into the Confederacy anyway, and—under such conditions—might have succeeded, except for the many thousands of recent German immigrants in St. Louis. These German-Americans had come to this country very largely because of the recent



(Upper) Union and Confederacy in 1861

(Lower) Union and Confederacy after July 4, 1863

failure in their old home of the movement for a united Germany. From sad experience they knew the evils that befell a great nation when broken into hostile fragments, and, like all our European immigrants of that time, they hated slavery. (Of the 88 German newspapers in the United States, 80 had opposed the Kansas-Nebraska Act.) Many hundreds of these St. Louis Germans, too, were trained European soldiers; and

they made the backbone of a military force with which Union leaders now broke up a threatening Secessionist camp near St. Louis—and so made Missouri sure for the Union.

### THE STRATEGY OF THE WAR

At first the North expected confidently to end the conflict in three months—"by one decisive blow." From this dream it awoke when the Union forces were utterly routed at Bull Run (July 21) in an advance on Richmond. Then, in more wholesome temper, it settled down to a stern war. That war lasted four years, and was the most tremendous struggle the world had then seen.

The South was fighting for independence, not to conquer the North, and so its plan of war was mostly defensive. It had only to hold its own. The North could win only by invading the seceding states and conquering them on their own soil. To do this was plainly impossible unless a cordon was first drawn about them, so that they could get no supplies from the outside world. To completely beleaguer the South, then, was the first task for the Union. On the land side, the overwhelming numbers of the North made this fairly easy—after the Border states had been saved to the Union. The South was soon hemmed in by land—except on the Mexican side. She did make some daring raids into Kentucky, and two formidable invasions across the Potomac threw the North Atlantic cities into brief panic. But these sorties were failures. The first one across the Potomac was turned back at Antietam (September 17, 1862), and the second, the "high-tide of the Confederacy," at Gettysburg, July 1-3, 1863.

To close the three thousand miles of sea coast was a more difficult matter. April 19, 1861, Lincoln declared it blockaded, but this was little more than a statement of intention. Only twelve ships were at the government's command. The rest of the small navy of forty-nine ships had fallen into

Southern hands or was scattered far in foreign ports. But blockading squadrons were hurriedly bought, built, and adapted out of coasting steamers and ferryboats; and in a few months the paper blockade became real. From that time to the end, the throttling grip on Southern commerce clung closer and closer.

The export crops, cotton and tobacco, were robbed of value. In 1860 the cotton export amounted to nearly two hundred millions of dollars; in 1862, to four millions. As arms, railway material, clothing, wore out, it was almost impossible to replenish the supply. Before the end of the first year, there was an alarming scarcity of butter, coffee, candles, *salt*, and *medicines*. By recourse to homespun, and by raising corn instead of cotton, part of the need was met. Part was beyond remedy.

Southern sympathizers and venturesome capitalists made it a business to build swift "blockade runners" to carry supplies to Confederate ports from the Bermudas, and to bring out the cotton piled up at Southern wharves and worth fabulous prices in the idle European factories. But fifteen hundred such vessels were captured during the war, and, before the close, they had nearly vanished from the seas.

For one moment it looked as if the Union fleets would be swept from the seas, and the blockade raised. When the government troops abandoned Norfolk navy yard (on the secession of Virginia), they left there, only partially destroyed, the frigate *Merrimac*. The Confederates built on her hull an iron roofing, and sent her forth as the *Virginia* against the wooden frigates of the United States in Hampton Roads. This first armored ram on the American coast sank two towering ships (March 8, 1862), and steamed back to her anchorage, confident of completing her mission on the morrow. But, during that night, arrived at the Roads another type of iron vessel, the *Monitor*, with low, flat deck surmounted by a revolving turret mounting two huge guns—a "cheese box on a

raft." The *Monitor* drew so little water that it could take refuge from the *Virginia's* prow in shallow water, and still keep within gun range. After a sharp engagement, the *Virginia* retired. The blockade was saved—and the knell had sounded for all the wooden navies of the world.<sup>2</sup>

Invasion of the Confederacy had been simplified tremendously by the saving of the Border states to the Union. There were three primary lines of attack. The Army of the Potomac, with headquarters about Washington, must try to capture Richmond, the political center of the Confederacy, and crush the army of defense—the army of Northern Virginia. In the West, the Unionists must secure the Tennessee and Cumberland rivers, so as to occupy Tennessee and to open roads into Mississippi and Alabama. And the course of the Mississippi had to be secured by the capture of such Confederate strongholds as New Madrid, Island No. 10, Port Hudson, Memphis, and New Orleans. (Secondary lines of invasion were pointed out by the location of the more important railways—especially those from west to east, such as the Memphis and Charleston Road. To secure these roads, engagements were fought in 1862 at Corinth, Pittsburgh Landing, or Shiloh, and Memphis.)

1. The last-named of the three main tasks was the first one accomplished by the North. Vicksburg, the last of the river fortresses to hold out, was forced to surrender to General Grant on July 3, 1863 (the final day of Gettysburg); so that the Father of Waters "once more rolled unvexed to the sea," cutting off Arkansas, Texas, and most of Louisiana from the main body of the Confederacy. After this, the bulk of the

<sup>2</sup>The *Monitor* was the invention of a Swedish immigrant, John Ericsson. The vessel had been rushed to completion in three months—and was ready just in time. Vessels had been covered with iron plates in some of the earlier campaigns on the Mississippi, and England and France had constructed some ironclads, but it was the spectacular battle of "the *Monitor* and *Merrimac*" which demonstrated to the world the arrival of a new order—following the victories of the *Merrimac* on the preceding day.

Confederacy could no longer import supplies and arms from abroad through Mexico. Nor could the cotton belt longer supply its armies with grain and meat and horses from the broad fields of Arkansas and northern Texas.

2. The second task had begun earlier, but lasted longer. Grant had captured Forts Donelson and Henry, commanding the lower courses of the Tennessee rivers, in 1862. But Union occupation of Tennessee, and indeed of the line of the Ohio, was not assured, until, after oscillating campaigns and some of the most bloody fighting of the war, Grant, Thomas, and Sherman drove the Confederates from Chattanooga, in November of 1863.

This decisive victory opened up a fourth line of invasion, to Atlanta—at the farther end of the Atlanta and Chattanooga Railway—only 135 miles distant, but with an intervening region of rugged mountains. Atlanta was located in the iron and coal region of northern Georgia and was becoming a center for manufacturing arms and railway material. As the only such center in the Confederacy, its capture was of supreme importance. This became Sherman's task in the summer of '64 in a four months' campaign, against the skillful opposition of the outnumbered Johnston and the pounding of his desperate successor, Hood.

Atlanta was taken September 3. Leaving its factories in ashes, and detaching Thomas with sufficient force to engage Hood, Sherman then (November) struck out a fifth line of invasion, through the heart of the Confederacy for Savannah—living on the country and finding not even a militia to oppose him. The sufferings inflicted upon non-combatants by this famous "March to the Sea" sufficiently demonstrated Sherman's bluff dictum, "War is Hell."

3. Meantime, in the East, the genius of Robert E. Lee and the splendid fighting qualities of his devoted but diminishing army, aided, too, by geographical conditions (trackless

swamps and broad streams subject to sudden floods), held the Union forces at bay year after year, until Grant was brought from the West and given men in ever fresh multitudes to wear down his opponents. Even then, Lee's thinned and starving veterans remained unconquered, until the empty shell of the Confederacy had been pierced from circumference to circumference, and its absolute exhaustion bared to the world, by Sherman's devastating march. The South did not yield: it was pulverized.

### FORCES

In the North one man out of two bore arms at some period of the war; in the South, nine men out of ten. With far less effort than the South's, the North kept a half more men in the field.

But this does not take account of the slaves who served as teamsters, laborers on fortifications, cooks, and servants, in Southern armies, doing work that had to be performed by enlisted men on the other side. On the plantations, too, under the management of women, slaves raised the food crops for the South. (There was no hint of a slave-rising during the war, and, until 1863, very little increase of runaways.)

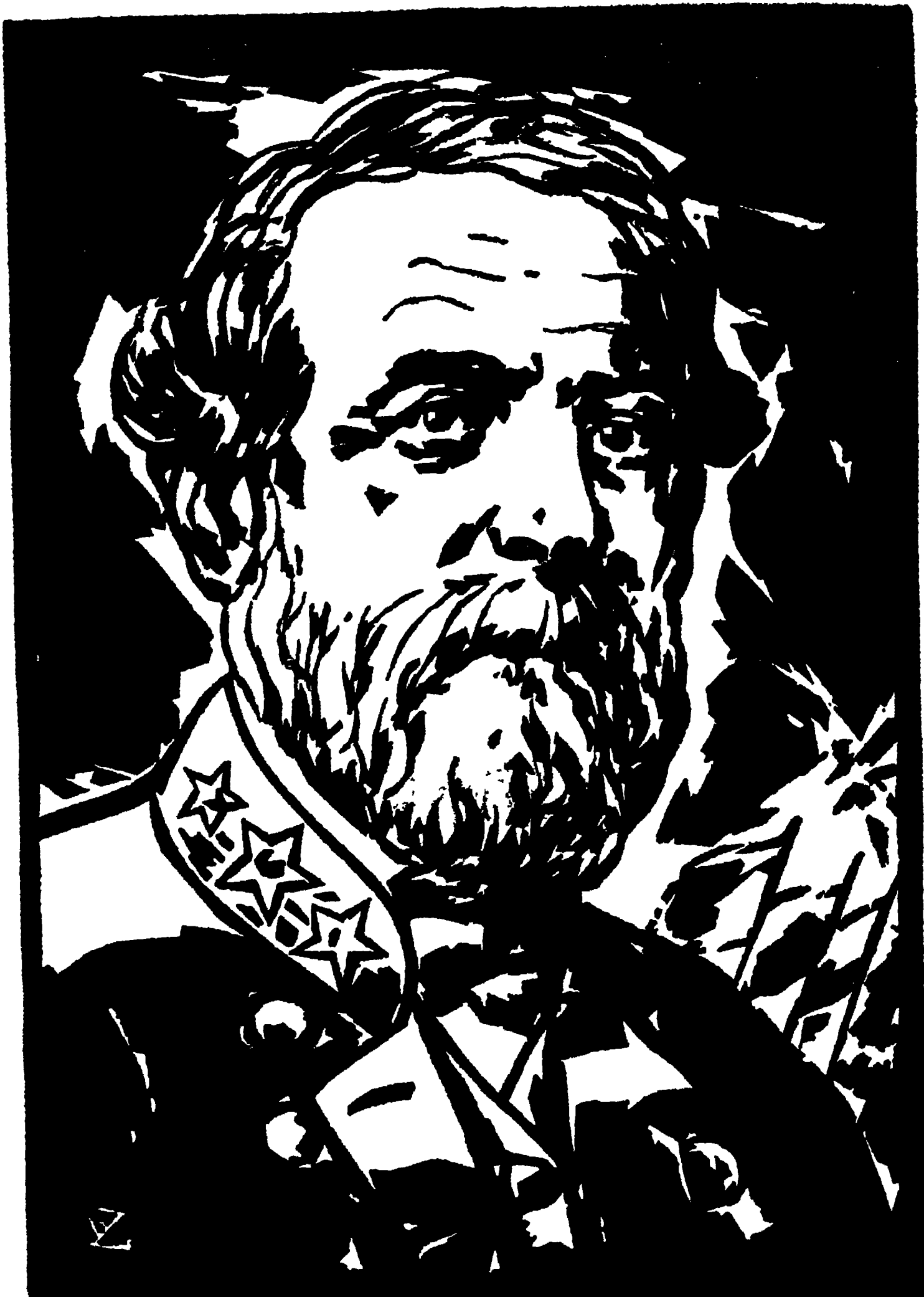
The Southern forces, too, were able to concentrate more rapidly, because they moved on the inside lines and knew the roads better. And the invading Northern armies were compelled, of course, to leave large detachments behind, as garrisons, to hold each district they conquered.

Undoubtedly, too, during most of the war, the Southern armies were handled with the greater skill. Lincoln had no military knowledge worth speaking of, and, worse still, in order to keep political support for the war, he was often compelled to choose commanders in part for political reasons. True, after costly experiments, he did find some excellent generals—Hancock, Hooker, Sherman, Sheridan, Thomas (a

Southerner), and Grant. On the other hand, the South had ready a much larger proportion of its sons with the best West Point training and with experience from the Mexican War; and President Davis (perhaps the ablest soldier of them all) had kept up a sufficient fellowship with old comrades in arms so that he could choose wisely from among them. Indeed the South was better suited, by its whole spirit to develop military genius than was the North, and all America today glories in the chivalry and generalship of a score of Confederate leaders, among whom—only a little brighter than the rest—shine the names of “Stonewall” Jackson, Gordon, Longstreet, the two Johnstons, “Jeb” Stuart, and Lee.

Robert E. Lee had declined the supreme command of the Union armies, declaring, “I cannot draw my sword against my own people,” but, as the struggle loomed nearer and nearer, he exclaimed, “If I owned the four million slaves I would gladly free them all to save the Union.” He belonged to the old Virginia Lee family and is a noble figure for his career in peace as well as in war. It is pleasant to recall that when he rode into captured Richmond, just after his surrender at Appomattox, the victorious Northern army in possession of the city gave him an ovation such as they rarely gave their own commanders. At a later time Congress accepted from his state his statue, to stand in Statuary Hall beside that of Virginia’s other great son, Washington.

On the whole, until the final year, the armies in actual conflict did not often vary greatly in numbers. Then, indeed, the exhausted South could no longer make good her losses in battle—though her stern recruiting system did “rob the cradle and the grave.” In the opening campaign of the Army of the Potomac in 1864, from May 5 to June 12—or from the Wilderness to Petersburg—Grant hurled his 120,000 veterans almost daily at Lee’s 70,000, suffering a loss of 60,000 to Lee’s 14,000! But new recruits were always ready to step into the



*P. E. Lu*

"HUMAN VIRTUE OUGHT TO BE  
EQUAL TO HUMAN CALAMITY."

aps in the Union regiments, while the Confederate ranks could only close up grimly. Thereafter the Union forces outnumbered their opponents at least two to one—and Grant could no longer exchange prisoners.

Military prisons are always a sore subject. Even in the early years of the war, there had been terrible misery in the prisons at the South—where medicines and supplies were wanting even for the Confederate soldiers. With less excuse, there had been cruel suffering also in Northern prison camps. Toward the close, when the South was unable to feed her soldiers at the front or to spare adequate forces for guards, conditions became horrible in the Southern prisons—especially after Grant's stern refusal to exchange prisoners packed in the already crowded Libby and Andersonville with Union soldiers.

On this whole topic the reader will do well to consult Rhodes' exhaustive and impartial treatment (*History*, V, 483-15), and especially to note his conclusion: "All things considered, the statistics [of deaths] show no reason why the North should reproach the South." Professor Channing, a still later and even more critical Northern authority, quite coincides with this verdict. His interesting treatment (*History*, VI, 436-443) calls attention to a new explanation, too, for much of the deadly dysentery in prison camps. The prisoners on both sides were utterly unaccustomed to the standard food of the other section—wheat flour in the North, and corn meal and bacon in the South—and did not know how to prepare properly the rations served out to them. And no one then knew how to deal with or prevent typhoid in crowded prisons. Says Dr. Channing: "Each government cared for its enemy prisoners about as well as it cared for its own soldiers."

In 1863, there was a falling off of enlistment in the North, and Congress authorized a "draft"—a conscription by lot from able-bodied males between the ages of twenty and forty. The

draft itself furnished less than forty thousand troops. Its real work lay in influencing state legislatures to stimulate enlistment by generous bounties. Such moneys furnished support for dependent mothers and for children, and so enabled many a man to volunteer who otherwise must have worked at home. But it remains absolutely true, as Lowell said, that "the bounty which drew our best soldiers to the ranks was an *idea*." For the South, this was quite as true, though there the draft was necessary earlier and oftener because of the smaller numbers and because (after the first months) many districts of "poor whites" felt little interest in the struggle.

### WAR FINANCE

The Buchanan administration had left the treasury empty and credit dubious; but Salmon P. Chase (page 550), Secretary of the Treasury, devised a vigorous system of war finance which Lincoln's support carried through Congress. A direct tax of \$20,000,000 was apportioned among the states. An income tax of 3 per cent was imposed upon all incomes over \$800, and in 1864 this was raised to 4 per cent, with rates on large surpluses rising as high as 10 per cent. Internal excises and stamp duties of varied and searching character reached almost all callings, products, and business transactions. Session by session, Congress passed higher and higher "war tariffs"—to remain without decrease twenty years after the close of the struggle, so clinching the victory and the profits of victory for the manufacturing interests, against whose growing dominance the South had (in part) rebelled.

Besides this open taxation, the administration had recourse to a "forced loan" in the form of a series of Legal Tender acts providing half a billion of dollars of paper money—twice all the Continental currency of the Revolution. These "greenbacks" mentioned no specific date for redemption,

nor was any specific security pledged for them; and, of course, their value fluctuated with the success or failure of the Union armies. Depreciation set in at once. Gold was hoarded or sent abroad in trade; and on one dark day in 1864 it sold at 285, while most of the time after 1862 a dollar of paper was really worth only from fifty to seventy cents. Prices rose, for this reason and for other causes connected with the war, to some 90 per cent above the old level. Wages rose, too; but more slowly, and only two-thirds as much—so that the laboring classes bore much the greater part of the cost of the war. Workingmen endured severe suffering, even while “business” was exceedingly “prosperous.”

Toward the close of the war, taxation was bringing in half a billion a year, but in 1863 the expenditure had risen to two and a half millions a day—or two times the daily income. Business could not well stand more taxes, nor could more paper money be issued safely. The Treasury had been borrowing, from the first, by selling bonds both at home and abroad in amounts that any earlier era would have deemed fabulous; but plainly more must now be sold. How could the government induce capitalists to buy them in sufficient amounts? Chase solved this problem by the National Banking Acts of 1863 and 1864—the basis also of a system of banks and bank currency which, whatever its later faults, was far better than America had before known. Any association of five or more persons, with a capital of at least \$100,000, was authorized to (1) organize a national bank, (2) purchase national bonds to the amount of one third the capital, (3) deposit the bonds in the national treasury, and (4) issue “national bank notes” on that security. A supplementary Act placed a tax of 10 per cent on notes issued by state banks. Hundreds of state banks then reorganized as national banks, and their new demand for bonds met the needs of the Treasury—though only by adding enormously to the debt of the na-

tion. When the war began, the national debt was at almost the same figure as in 1792 (after the adoption of Hamilton's plans). Four years later, it was forty times that amount—for a population only eight times that of Hamilton's day.

Capital is notoriously timid, and business notoriously selfish. There were not wanting, in either North or South, the customary shames of army contractors who swelled their fortunes by furnishing shoddy clothing, paper-soled shoes, and rotten food to the troops, while other more adventurous pirates of finance made fabulous profits by illicit or treasonable trade with the enemy. But on the other hand, many moneyed men showed a splendid patriotism. Andrew D. White tells a story (*Autobiography*, I, 89) of the roughly expressed idealism of a multimillionaire—still a rare phenomenon in the sixties—a man who had

risen by hard work from simple beginnings to the head of an immense business . . . a hard, determined, shrewd man of affairs, the last man in the world to show anything like sentimentalism. . . . He said something advising investment in the newly created national debt. I answered, "You are not, then, one of those who believe that our debt will be repudiated?" He rejoined: "Repudiation or no repudiation, I am putting everything I can rake and scrape together into national bonds, to help this government maintain itself; for, by God, if I am not to have any country, I don't want any money!"

Northern statesmanship also devoted itself deliberately and effectively to encouraging the production of wealth—that there might be more to tax. The demand for war supplies and the high tariffs stimulated manufactures enormously. Congress gave vast amounts of land and money to the Union Pacific to enable that company to build a railway across the continent, and other railways opened up great tracts of new territory to agriculture. In 1862 the Morrill Bill offered national land grants to state institutions providing scientific training in agri-

culture and in mechanical arts. The same year the long-delayed "Homestead Bill" offered free 160 acres of land to any citizen who would live upon it for five years and improve it.

The South had little wealth to tax. It had no capitalists to buy its bonds, and they could not long be sold abroad. Paper money was issued in floods by both central and state governments, and depreciated even faster than the famous "Continental currency" of Revolutionary days, so that in 1864 it was not unusual for a Southern soldier to pay \$200 for a poor pair of shoes. The Confederacy did not formally make this paper a legal tender, but, before the end of the war, it was forced to seize supplies from the fields and barns, and it could pay for them only in this money—at rates fixed from month to month by government decree. Neither bonds nor currency were ever redeemed.

Thus the South lived upon itself. And the capital that could not be eaten—that which was fixed in buildings and roads—was in large part burned or ruined by the Northern invaders. Southern wealth was gone before the survivors of her heroic men laid down their arms. The world had never seen another so vast and complete a devastation of a civilized land.

The great Republic emerged from the battle-storm, glorious and whole, while the world stood amazed, convinced against its will. The resources of the North were never lacking. They grew faster than they could be spent, and the North had more men, more tilled acres, more manufactures in 1865 than in 1861. But for the South, as Woodrow Wilson says so well, "the great struggle was maintained by sheer spirit and self-devotion, in spite of constantly diminishing resources and constantly waning hope." The American of today sorrows at the terrible sacrifice the South made for mistaken ends, but his heart swells with patriotic emotion at the heroic vision of that chivalrous devotion to the Lost Cause—that gallant constancy, that peerless courage.

## THE WAR AND SLAVERY

When the war began, a large part of the North cared nothing about abolishing slavery, or was positively opposed to doing so, and the loyal Border states were kept in the Union only by repeated assurances from the government that the war was not intended to free slaves. Indeed, that belief was almost as necessary at that time to get support for the war from the people of southern Illinois, Indiana, and Ohio, as from the states just south of the Ohio. Without such support from these Ohio valley states both north and south of the river, there was no chance at all to conquer back the seceding states; and so the day after Bull Run, by 107 to 2, the Republican House reassured the War Democrats and the Border states by renewing that pledge regarding the security of property in slaves. In the opening weeks of the struggle, it is true, General Butler, at Fortress Monroe, refused to deliver to an owner in the Confederate army a runaway slave who had escaped to the Union lines—on the ground that the man was “contraband of war” (since he might be made useful to the enemy). This logic was so sound, and the phrase so caught the popular approval, that the government did not interfere with the Union generals who chose thereafter to free “contrabands” seeking refuge within their lines. But when General Fremont, in Missouri, proclaimed free the slaves of all citizens of that state who were in arms for the Confederacy, the order was promptly disavowed by President Lincoln. And for a year more the majority of the Union generals were inclined to enforce the Fugitive Slave Act even as to negroes who sought refuge with the army though the owners might be serving in the Confederate ranks.

But it became more and more plain that, if the North was successful, the result must be freedom for the negro; and, in March, 1862, Lincoln recommended to Congress that the

states should be invited to decree gradual emancipation, and that, wherever this was done, the United States should compensate the owners and colonize the freed negroes.

This wise plan was never adopted. In April, Congress abolished slavery in the District of Columbia, it is true (with an appropriation of \$1,000,000 to compensate the owners—at about the market price before the War); and, in June, it abolished slavery in the Territories, without compensation. It also passed resolutions approving Lincoln's plan for the states. But the President's earnest appeals to the Union leaders of the Border to persuade their states to act promptly, and so secure compensation for their slaves before it was too late, fell upon deaf ears. They could not yet believe his prophecy that soon they would find "bonds better property than bondmen," and the opportunity passed.

Congress adjourned for the season on July 17, 1862. Five days later, Lincoln read to his surprised Cabinet the draft of a proposed Emancipation Proclamation. This was not to apply to the Border states, or to the Southern territory under Union control. The only warrant in the Constitution for such action by the President had to be found in his powers as Commander-in-Chief. The Proclamation, in form, was merely a war measure, designed to weaken the enemy.

At Seward's suggestion, Lincoln put the matter aside, to wait for some signal victory—of which there had been few for a long year—that the Proclamation might not seem the act of a despairing government. Two months later, Lee's retreat after Antietam furnished the appearance of a victory, and September 23 the great Proclamation was given to the world—to go into operation on the first day of the coming year. The Proclamation made an era in history. At the moment, of course, it was a paper edict, and did not actually free a slave. But from that day the war became a war to free slaves, and, as Union armies slowly conquered their way into the South, thousands, and finally millions, did become free.

True, cautious as Lincoln had been, it seemed for a time as though he had moved too swiftly for Northern opinion. The fall elections gave anti-war majorities in several of the largest Northern states, before strongly Republican. In Ohio the Democrats carried 14 Congressional districts out of 19; in Indiana, 8 out of 11; in Illinois, 11 out of 14. Says Professor A. B. Hart (*Salmon P. Chase*, 270): "No Republican majority could be secured out of the free states; but a silent and drastic process was applied by the military in the loyal Border States which caused them to furnish enough Republican members to make up the majority without which the war must have failed." By such dubious means, 21 Republican Representatives were secured from the 26 Congressional districts of Missouri, Kentucky, and Maryland!

And after an interval of dismay the nation rallied. Emancipation was accepted as a settled policy; and, in 1864, Lincoln was reëlected triumphantly, carrying every loyal state except New Jersey, Delaware, and Kentucky. Before the close of the war, Maryland, Missouri, and West Virginia abolished slavery without compensation, and "Reconstruction governments" obtaining in Tennessee, Louisiana, and Virginia freed the slaves in those parts of the Confederacy to which the Proclamation had not applied. Then "the whole thing was wound up," in Lincoln's expressive phrase—all informalities legalized, all possible gaps covered, and the institution itself forever forbidden—by the Thirteenth Amendment (ratified in December, 1865). It was this amendment which freed the remaining slaves in Kentucky and Delaware.

The Proclamation had not made slavery *subsequently* illegal, but the great Amendment runs—after the phrasing of the Northwest Ordinance—"Neither slavery nor involuntary servitude . . . shall exist within the United States or any place subject to their jurisdiction." The contrast between this actual Thirteenth Amendment and the proposed "Thirteenth Amend-

ment" of 1861 (to guarantee slavery forever against national interference) measures part of the value of the war.

### EUROPE AND THE WAR

Emancipation, too, ended all chance of the South getting European aid. Both North and South had counted upon English sympathy. The South hoped that England would break the blockade, to secure cotton, so as to give work to her idle factories and her hundreds of thousands of starving operatives. The North felt that England must favor war against slavery—forgetting, perhaps, that for more than a year it vociferated that it was not warring upon slavery, and ignoring also the fact that the mounting tariff, closing the usual market to English manufacturers, was a constant irritation. Richard Cobden wrote to Charles Sumner (December 5, 1861): "You know how ignorant we are of your history, geography, etc. . . . There are two subjects upon which we are unanimous and fanatical . . . personal freedom and free trade. In your case we see a mighty struggle—on one side protectionists, on the other slave owners. The protectionists say they do not seek to put down slavery: the slave owners say they do want free trade. Need you wonder at the confusion in John Bull's head?" *Punch* put the same dilemma:—

The South enslaves those fellow men  
Whom we all love so dearly:  
The North keeps commerce bound again,  
Which touches us more nearly.  
Thus a divided duty we  
Perceive in this hard matter:  
Free trade or sable brother free?  
O, won't we choose the latter?

During the years 1861-1862, however, there had been two unusual conditions in European trade that counted heavily for the North. (1) However much English factory workers suf-

ferred from the closing of factories, the factory *owners* were really glad of an excuse to close down for some months, because they were overstocked with manufactured goods. By 1863, to be sure, the lack of raw cotton began to be a serious matter to them also—but by that time the North had proclaimed emancipation. (2) During 1861-1862, because of exceedingly poor European harvests, England was dependent as never before upon American foodstuffs—and these came wholly from the North.

Yet there had been some real danger during these same years that England might join other European powers in recognizing the Confederacy as an independent nation—and that catastrophe would probably have been fatal to the Union. After Bull Run, the aristocratic element of English society generally believed that the South could not be conquered, and was more and more inclined to look upon the contest as one between empire and self-government. “In any case, since the South must win in the end,” said they, “the sooner the matter is ended the better, so that our cotton mills may turn their spindles again and the danger of social revolution from starving workmen here be removed.” Moreover, now that it seemed safe, the governing aristocracy of that time<sup>8</sup> was glad to show sympathy for the corresponding aristocracy of the South. Said Gladstone—not yet fully out of his Tory period—“Jefferson Davis and other leaders . . . have made an army; they are making a navy; they have made . . . a nation.”

So far as any overt act of the English government was concerned, the North had no cause to take offense until November of the first year of the war. Then, indeed, came an incident that nearly led to fatal results. The Confederacy had appointed James Mason and John Slidell commissioners to England and France, to secure recognition and alliance. These gentlemen ran the blockade to Havana, and there took passage on the English steamship *Trent*. November 8, the cap-

<sup>8</sup> This was before the Reform Bill of 1867 made England a democracy.

tain of an American man-of-war overhauled the *Trent* and took the two commissioners from her decks.

The North burst into applause, though Lincoln and a few other cool heads saw that the government was placed in the wrong by this violation of a right of neutral vessels for which America had so long been ready to fight. England had always prided herself particularly on affording refuge to political offenders from other lands, and there was now a storm of sincere indignation in that country. The government used the opportunity to go far in showing its Southern sympathies. Troops were hurried off for Canada, and a peremptory demand was made for the surrender of the prisoners and for an apology. After unwise delay, the American government apologized for its overzealous ship-captain and released the captives. In his official note on the matter, Seward (Secretary of State) said truly, "We are merely asked to do to the British nation just what we have always insisted that all nations ought to do to us." The people of the North acquiesced but their bitterness toward England was intensified.

In another incident the English government was more at fault. In the early years of the war, the South succeeded in getting a few cruisers to sea, to prey upon Northern commerce. The most famous one never entered a Confederate port. This vessel was built in England. The United States minister there, Charles Francis Adams, warned Lord Russell<sup>4</sup> of its purpose; but Russell was blandly incredulous, trusting to reports of his subordinates and to the assurances of the builders that the vessel was a peaceful one. Thus the *Ala-*

<sup>4</sup>The English Secretary for Foreign Affairs. Toward the end, Russell did come to suspect that the ship was intended for a Southern cruiser. He then sent all papers in the matter to the proper law officer for direction as to just how legally to detain the boat. That officer had just suffered a "stroke" (from which he finally became insane), but his family were keeping his condition secret, in hopes of quick recovery. The papers, therefore, remained unread at his home, and, when Russell learned of this delay, it was too late. It is today the opinion of Dr. Channing (VI, 360) that Russell meant to be faithful to his obligations as a neutral.

*bama* was allowed to escape to sea, where she took on her armament and soon became a terror to the Northern merchant marine—until she was overtaken and sunk by the *Kearsage*. The North was inclined to believe that the English government acted in bad faith, but it is probable that Russell was guilty only of negligence—for which his country afterward apologized and atoned so far as possible by paying the “*Alabama* claims.”

More serious still would have been the barely defeated project of the South to build two iron-clad rams in England, with which to break the blockade. These formidable vessels (still unarmed, of course) were nearly ready for sea. Mr. Adams’ remonstrances apparently had moved Lord Russell only to ineffectual precautions. At the last moment, Adams wrote to Russell, “It would be superfluous for me to point out to your lordship that this is war!” But Russell had already awakened, and had just given effectual orders to seize the vessels from the English builders, paying for them from the English treasury.

France, too, felt the lack of cotton, though far less than England, and the Emperor Napoleon III would have liked to see the Union broken up, so as to give him a free hand in Mexico (page 638). Accordingly, he made specific proposals to the English government to join hands in recognizing the South and breaking the blockade.<sup>5</sup> These overtures were always refused by England. With perfect right, Cobden wrote to Sumner (Morley’s *Cobden*, II, 408): “You must not forget that we have been the only obstacle to what would have been almost a European recognition of the South.”

Then, after the Emancipation Proclamation had put the North in the true light in the matter of slavery, English hos-

<sup>5</sup> A powerful French-built iron-clad ram was allowed much later to set out to aid the South. This vessel might have hurt the Union much more than the light wooden *Alabama* did; but, when it reached Cuba, it found that the war was over.

tility was hushed. English workingmen thronged great public meetings to voice loud enthusiasm for the Union. Cobden wrote jubilantly that any ministry which should dare to commit any act unfriendly to America would be instantly driven from power.

The North, then, had some cause to blame the government and the aristocracy of England. It had greater cause for deep gratitude to the sound heart of the English masses, who felt dimly that the Union was fighting slavery (even while Unionists denied it loudly) and therefore gave the North heroic support through cruel privations. Said Von Holst of this matter: "The attitude of the English workingmen is one of the great deeds in the world's history." They stood nobly by the cause of democracy and free labor, as their own cause, and their attitude was so determined that, even though they had then no votes, their aristocratic government did not venture to take offensive action against America.

### THE COST AND RESULTS

The war cost more than 600,000 lives—the loss shared between North and South nearly in the ratio of four to three. "The nation was lastingly impoverished by that awful hemorrhage." As many men more had their lives sadly shortened or rendered miserable by disease or wounds. Nor can we count the heaviest cost of all, the lowering of moral tone, and the habits of vice, that came from life in camp and barracks. In money, the war cost the Union government about three and a half billions, nearly three billions of which remained as a huge national debt to plague the next generation. The destruction of property, principally in the South, amounted to nearly as much more.

On the credit side, the war struck shackles from four million human beings. It ended forever the ideas of constitutional nullification and of peaceful secession. It decided, be-

yond further appeal, that the United States is a nation, not a confederacy. It was the means whereby the more progressive portion of the country had to force its advanced political thought and its better labor system upon the weaker, stationary portion. It prevented the break-up of the country into squabbling communities, to be engaged in incessant bickerings over trade and boundaries, and so preserved the vast breadth of the continent for peace. It demonstrated to skeptical European aristocracies that the great Republic was not "a bubble," but "the most solid fact in history."

Moreover, along with the Reconstruction policy that followed, the war worked a social revolution without counterpart in history except for the overthrow of the French and Russian feudal aristocracies in the revolutions of 1793 and 1917. The old planter aristocracy of the South was gone, as a class, industrially, politically, and socially.

One part of the cost is yet to be counted. April 14, 1865, while the North was still blazing with illuminations over the surrender of Lee's army, its joy was quenched in grief at the news that Lincoln had been assassinated by a crazed sympathizer of the South. Walt Whitman's lines spoke the sorrow of a whole people:

O Captain! my Captain! our fearful trip is done,  
The ship has weathered every wrack, the prize we sought is won,  
The port is near, the bells I hear, the people all exulting,  
While follow eyes the steady keel, the vessel grim and daring;

But O heart! heart! heart!  
O the bleeding drops of red,  
Where on the deck my Captain lies,  
Fallen cold and dead!

A little later, in the "Commemoration Ode," Lowell spoke perhaps the best brief tribute yet voiced for Abraham Lincoln:

Our children shall behold his fame,  
The kindly-earnest, brave, foreseeing man,  
Sagacious, patient, dreading praise, not blame,  
New birth of our new soil, the first American!

The South had particular cause to regret the loss. No man was left to stand between it and the North as mediator and to bind up its wounds as Lincoln could have done. His death added fierce flame to the spirit of vengeance in the North, and explains in part the blunders and sins of the Republican party in the "Reconstruction" that followed the war.

## CHAPTER XXXIV

### THE RECONSTRUCTION PERIOD, 1865-1876

*Stevens' Reconstruction Acts, ostensibly in the interests of freedom, were an attack on civilization.—RHODES.*

#### THE PROBLEMS

PEACE brought new problems. Those pertaining strictly to the victorious North were relatively easy to solve. The government paid off its million soldiers, and sent them to their homes at the rate of one or two hundred thousand a month. At the close of 1865, only some fifty thousand remained under arms, to garrison the South. The disbanded "old soldiers" found place in the industries of the country with little disturbance. Many thousands who saw no opening in their old homes became homesteaders in the West, so that there were twice as many new homesteaders in 1866 as in any previous year. Disabled veterans, too, were cared for generously by pensions. Twenty years later, Congress extended the pensions to all who had served in the Union armies, and to their widows—so that in 1890 the United States was still paying \$150,000,000 a year in Civil War pensions. This yearly item was more than double the whole national debt when the Civil War began.

In spite of this new expenditure, the huge national debt was cut down resolutely, so that by 1890 half of it had been paid (including half the paper money). This was accomplished only by continuing a heavier taxation than was then borne by any other country. Its general prosperity however, enabled the North to carry this burden without serious trouble.

For the wrecked South, similar problems were infinitely more difficult. Its "old soldiers" toiled homeward painfully,

mostly on foot, from Northern prison camps and from surrendered armies. In some districts, remote from the march of federal troops, there was still abundance of food, with the negroes at work in the fields; but over wide areas the returned soldier found his home in ashes, his stock carried off, his fields grown to weeds or brush, his family scattered, the labor system utterly gone. Many an aristocrat, who in April had ruled a veteran regiment, in July was hunting desperately for a mule, that he might plow an acre or two, to raise food wherewith to keep his delicately nurtured family from starvation. The destruction of bridges and tearing up of railroads left the various districts isolated. Industrial life had to be built up again from primitive conditions.

Women were faced with like difficulties in housekeeping. Whitelaw Reid, a leading New York journalist, wrote, after visiting large sections of the South just after the war: "Everything has been mended, and usually in the rudest style. Window glass has given way to thin boards. . . . A set of forks with whole tines is a curiosity. . . . Hair brushes and tooth brushes have all worn out; combs are broken; pins, needles, thread . . . are very scarce. . . . At the tables of those who were once esteemed luxurious providers you will find neither tea, coffee, sugar, nor spices of any kind."

And the South had other problems, still more difficult. (1) The four million negroes must be kept in order, and protected, and uplifted, and brought back into the industrial system. (2) New state governments must be built. (3) These reconstructed states must be restored to their old relation to the Union.

Moreover, the South could hardly be left to settle these problems wholly for itself. They called for wise and friendly coöperation from the Union. Unhappily, the victorious North tried to take the whole settlement upon itself—and, after the

assassination of Lincoln and the return of its emaciated prisoners, its vengeful mood made a wise settlement long impossible. For twelve years (1865-1876), a "state of war" continued. Federal troops garrisoned the South, and conquering generals ruled it as though it were a hostile country.

### LINCOLN'S PLAN—AND JOHNSON'S

Lincoln had held that the "states" could not go out of the Union, and that their normal relations to the Union were merely interrupted temporarily by illegal "combinations of individuals." Even while the war was in progress, he had tried to "reconstruct" the states that had been occupied by the Union armies. "Louisiana," said he, in 1862, when the Confederate armies had been driven from that state, "has nothing to do now but to take her place in the Union as it was—barring the broken eggs." In 1863 he issued a proclamation of amnesty for all Southerners (with a few specified exceptions) who would take an oath of allegiance to the Union. He further promised to recognize any state government set up by such persons—if only they made 10 per cent of the number of voters in the state in 1860.

But more "radical" Republicans began to fear that the "rebels," getting back so easily into the Union, might win control of the federal government and undo the results of the war. So, in July, 1864, Congress passed the "Wade-Davis bill," to make the process of reconstruction more difficult, and to take control of it away from the President. Lincoln killed this bill by a pocket veto, and during the summer recess of Congress, he recognized his "10 per cent governments" in Arkansas, Louisiana, and Tennessee. Later, like action was taken for Virginia. The Representatives and Senators from these states, however, had not been admitted by Congress when Vice President Johnson became President.

Andrew Johnson was the son of "poor white" parents, and had learned to write only after marriage, from his wife. His youth was passed as an apprentice to a tailor, and he afterward followed that trade. He had great native ability and a rugged integrity. Even in the aristocratic South, before the war, he had risen from his tailor's bench to the governorship of his state and to a seat in Congress. He had never been a Republican; but he had been a devoted "Union man" in Tennessee, and in 1863-1864 he had shown courage and force of character as military governor there under Lincoln. The Republican National Convention of 1864 nominated him for the Vice Presidency in recognition of the nation's debt to the "War Democrats." But, with all his ability and honesty, Johnson never made good the defects of his early training. He was unduly pugnacious, sadly lacking in tact and good taste, and much given to loud boasting and to abusive speech. Always bitter toward opponents, he had been particularly bitter toward "rebels," so that Radical Republicans, though shocked at Lincoln's death, felt that the country was now safer. As soon as Johnson had taken the oath of office, a committee of the Republican extremists called upon him. Senator "Ben" Wade greeted him: "Johnson, we have faith in *you*. By the gods, there will be no trouble now in running the government."

Soon, however, Johnson amazed and disappointed his "radical" friends by taking up reconstruction just where Lincoln had left it—but with infinitely less chance of success. Before Congress met in December, he "recognized" state governments in all the remaining states of the old Confederacy, essentially on Lincoln's plan. In each state a convention repealed the ordinance of secession, repudiated any share in the Confederate war debt, and adopted a constitution. Under this constitution, the people chose a legislature and a governor. The legislature was required to ratify the Thirteenth Amendment. Thereupon President Johnson proclaimed civil govern-

ment fully restored. The legislatures then passed laws to restore industry, and chose Senators and Representatives for Congress—who, however, were never to take their seats.

For the North was taking alarm. In the “reconstructed” states, the governors and Congressmen were ex-Confederate generals. Such men were the only natural leaders of their people, but the North could not understand this fact, nor could it believe that these “rebel brigadiers” had accepted the result of the war in good faith.

Much cause for irritation, too, was found in the laws of the reconstructed legislatures about the freedmen. After the war, hundreds of thousands of ex-slaves, to whom freedom meant idleness, drifted aimlessly about the country for months. Even when starvation finally drove them back to desultory work, the disorderly habits they had been forming led to much violence and crime. The Southerners felt sure that the demoralized blacks could not be kept in order and made self-supporting without special legislation. Each reconstructed legislature, for almost its first work, adopted a set of laws for this purpose. Most of this legislation is approved today by Northern scholars. Professor Dunning (*Reconstruction*, 57,) says that it was “in the main a conscientious and straightforward effort to bring order out of social and economic chaos”; and the judgment of Rhodes is that “the trend of legislation was distinctly favorable to the negro.” In most states the courts were authorized to apprentice negro minors of working age. Commonly, if a negro were convicted of petty offences, such as stealing, and could not pay a fine, the magistrate might sell him into service until the fine was paid out of his wages. And in three states the same fate might befall any vagrant negro.

All this was quite similar to the laws or custom of many Northern states three generations earlier regarding poor and unemployed whites. But at the moment all these black codes

seemed to the North defiant attempts to reënslave "persons of color." Public opinion in the North, therefore, demanded that the "Presidential" reconstruction should be undone, until the Southern states should repeal the black laws and grant the franchise to the negroes—so that those wards of the nation might thereafter protect themselves.

Lincoln had advised his reconstructed governments that they would do well to give the franchise to negroes who had fought for the Union or who could pass an educational test; and President Johnson repeatedly urged a like policy. But no one of the reconstructed legislatures paid attention to such counsel. For this there is little wonder. Only six *Northern* states allowed the negro to vote at this time; and in this same year (1865), state conventions in Wisconsin, Connecticut, and Minnesota refused the privilege. Again, in 1867-1868, Minnesota, Michigan, Ohio, and Kansas, by popular vote, rejected constitutional amendments providing for negro suffrage.

### CONGRESSIONAL RECONSTRUCTION

To upset the Presidential reconstruction, it was necessary to build a constitutional theory that would place reconstruction in the hands of Congress. So Senator Sumner advanced the idea that the Southern states, by secession, had "committed state suicide" and had reverted to the position of Territories, so that they had become subject to Congressional regulation. In the lower House, Thaddeus Stevens, of Pennsylvania, insisted upon the even more extreme view that the South was a "conquered province," so that its people had no claim even to civil rights. Sumner was an unselfish idealist, but impractical and bigoted, with the one idea of doing justice to the negro. Stevens was an unscrupulous politician and a vindictive partisan. He meant to use the negro vote to entrench Republican rule in Southern states; and he looked complacently upon the ruin that might follow negro enfranchisement as a

proper punishment for "rebels," even if he did not deliberately hope for such ruin as a means to the final and complete overthrow of the agricultural aristocracy which for so many decades had been the only obstacle in the path of the supremacy of Northern manufacturers. The spirit of reckless retribution which stained the national legislation of the next months was due mainly to his harsh influence.

At the first roll call of the new Congress, the clerk, under Stevens' direction, omitted the reconstructed states, so that their Representatives were not recognized. Then the question of the readmission of those states to the Union was referred to a joint committee of the two Houses—which held the matter skillfully in abeyance while Congress submitted to the states the Fourteenth Amendment.

This measure was intended to secure complete civil equality for the negro, and it held out to the South an inducement to give him the suffrage—in the provision that if a state denied the suffrage to any citizens, its representation in Congress might be correspondingly reduced. But it also disqualified from office large classes of leading Southerners such as made up the reconstructed governments, and accordingly it was promptly rejected by Southern legislatures.

Congress then (March 2, 1867) began its system of Reconstruction. It divided the old Confederacy (except Tennessee, which had ratified the Amendment) into five military districts. Each district was placed under an army general, who, in practice, set aside at will the laws of the existing Southern legislatures, overruled the decisions of courts, and appointed and supervised municipal authorities. This military rule was to continue until the following process should be complete: (1) Each commander was to register the voters in each state in his district, *including the negroes and excluding certain classes of leading ex-Confederates*. (2) State conventions, chosen by these voters, must ratify the Fourteenth Amend-

ment and (3) adopt new state constitutions—which must be satisfactory to Congress and which, in particular, must provide for future negro suffrage. (4) These constitutions must then be ratified by the registered voters. (5) A state which complied with these requirements might be readmitted to the Union by Congress.

By June, 1868, six states had been reconstructed on this basis. Virginia, Mississippi, Georgia, and Texas preferred military rule for three years more. Meantime, Congress added the Fifteenth Amendment to the requirements for readmission.

President Johnson, at each new step by Congress, had interposed his veto, which was always promptly overridden by the Republican majority. His messages, however, had irritated Congress into a determination to impeach him. Johnson had been foolish and coarse, but he had administered his high office with scrupulous fidelity, and had enforced vigorously even the laws he most disapproved. The impeachment was a frank attempt to depose him because he differed with the majority of Congress. It failed (May, 1868) for want of one vote (but every Northern Senator who voted against this partisan degradation of the presidency lost his seat at the first subsequent election!). In the election of 1868, the Republicans made General Grant President by 214 electoral votes to 80.<sup>1</sup> Thereafter, Congress and President worked in harmony on Reconstruction.

Meantime, the atrocious Reconstruction Acts had been followed by anarchy and misgovernment in the South. In a few weeks, thousands of Northern adventurers, drawn by scent of plunder, had thronged thither to exploit the ignorant negro vote and to organize it as the Republican party. (A favorite device was to show the illiterate and credulous negroes an

<sup>1</sup> In the popular vote, Grant had a majority of only 300,000, or 1 out of each 20 votes; 650,000 of his votes, too, came from negroes in the reconstructed states.

“order” purporting to be signed by General Grant, commanding them to vote the Republican ticket.) These “carpet-baggers,” joined by a few even more detested “scalawags” (Southern whites, largely of the former overseer class), with grossly ignorant ex-slaves, made up the bulk of the constitutional conventions and state legislatures during the next years. Says Woodrow Wilson, “A carnival of public crime set in under the forms of law.” Irresponsible or rascally legislatures ruined the war-impooverished South over again by stupendous taxes, bearing mainly on the property of the disfranchised whites. In one state a legislature of 155 had only 64 members who paid any tax whatever (and not half that many who could write their names), but this body of men wasted millions on schemes planned mainly to give their leaders chances for graft. In Mississippi a fifth of the total area of the state was sold for unpaid taxes. In New Orleans the rate of taxation rose to 6 per cent, which meant confiscation. Enormous state debts, were piled up, to burden the future. Crime against individuals, too, was rampant, because of the absence of civilian police control. History has no parallel to this legal revolution whereby a civilized society was subjected to ruin and insult by an ignorant barbarism led by brutal and greedy renegades.



The Southern whites, it should have been foreseen, would soon overthrow this alien supremacy, or perish. Peaceful and legal means for preserving white civilization there were none. Open rebellion against this outside domination, supported by federal bayonets, was equally impossible. So the whites had recourse to the only available methods—which were very deplorable ones. Says the brilliant Southern historian, William Garrett Brown, in his *Lower South*, “Never before had an end so clearly worth fighting for been so clearly unattainable by any good means.” Secret Ku-Klux-Klans intimidated

negro majorities by mysterious warnings; and midnight patrols of white-robed, masked horsemen flogged many men and hanged some. By the close of 1870, in law the North had imposed its system of reconstruction upon the South: in actual fact, the South was rapidly carrying out a counter-revolution.

In 1872 public feeling in the North compelled Congress to restore political rights to the ex-Confederates except for a few leaders. The union of the whites in one party then gave them a majority in most states over the negroes. Thereafter they used little violence, but they continued to exclude most negroes from the polls by threats of non-employment or by persuasion or by vague intimidation.

For a while, the federal government secured the victory of carpetbag state governments by giving them the use of federal troops at the elections, but this process became increasingly distasteful to President Grant and to the country. By 1875, Tennessee, Virginia, Georgia, and North Carolina had reverted to white rule. The other Southern states did so in the election of 1876 or as a result of the settlement following that election (pages 645-647). To maintain white supremacy, and to try to head off any federal interference with it, the "solid South" stood solidly for states' rights and the Democratic party for half a century—until the notable election of 1928.

## THE JUDICIARY AND RECONSTRUCTION

Throughout "Reconstruction," Congress showed a high-handed determination to override the Judiciary, as it overrode the Executive, whenever necessary to carry its point. It had suspended the writ of Habeas Corpus in the North during the war, and had authorized the punishment of suspected "rebel sympathizers" by military courts. While the war lasted, the federal judiciary had been unwilling to interfere

with these courts martial, dangerous as they were to private liberty; but in 1866 the Supreme Court did at last declare that all such military commissions for the trial of citizens, in districts where the ordinary courts were open, had been unconstitutional.

The "radical" majority in Congress feared that the Court would go on to upset their program for military rule in the South, and raved wildly against the decision. Stevens at once introduced a bill to make it impossible for the Court to set aside laws of Congress thereafter *except by a unanimous vote*. The bill was not pressed to a vote, but was held over the Judiciary as a threat. The Court, accordingly, grew cautious. When President Johnson's reconstructed state governments appealed to it for protection against the military rule set over them by the Reconstruction Acts, it declared it had no jurisdiction in such "political cases." At a later period, however, in the famous "Slaughter House cases" of 1883, it did take from the negroes the security for civil equality which the Fourteenth Amendment had been intended to give them. Since that time the social relations of the blacks have been regulated by state governments.

The Fourteenth Amendment, then, was reduced to impotence so far as its main purpose was concerned—the protection of black persons in civil rights. But a shrewd railroad attorney on the Congressional committee that drew it up had quietly inserted one clause with a totally different purpose—the further protection of property rights of all "persons" (including those artificial persons known as corporations). That gentleman had been much disturbed by the action of certain municipalities in "confiscating" railroad terminal rights and property and by the fact that the federal courts had not been able to find any authority in the Constitution for interference. The clause he framed forbids any state to deprive

any person of life, liberty, *or property*, "without due process of law." This provision gives the final decision, also, in all such disputes to federal courts. The Fourteenth Amendment failed absolutely of its avowed purpose—to protect real persons in their civil rights—but it has been peculiarly effective in protecting dangerous artificial "persons" from needed regulation at the hands of the states.

The "Legal Tender decisions" showed another way in which the Supreme Court might be subject to control in times of strong popular feeling. The Legal Tender Act of 1862 (page 612) had made "greenbacks" lawful pay even for debts contracted before the passage of the law. This provision of the law the Court declared unconstitutional, February 7, 1870. Chief Justice Chase, who as Secretary of the Treasury had devised the law, wrote the decision, and the vote stood four to three. But one Justice had died just before, and Congress had provided for one additional new member. President Grant now filled both places—the day this decision was handed down. A new case was promptly brought before the new Court. The new appointees voted with the former minority, and the law was upheld, five to four.

Loud complaint was made—even by the Chief Justice—that the President and Senate had "packed the Court" to secure this reversal. In the grossest form, this accusation was certainly untrue. The nominations had been settled upon before the first decision was made public. But the country was sharply divided upon the issue, and the stand of the nominees on the matter was known before they were confirmed. The rising labor parties charged that the appointment was influenced, in part at least, by great corporations whose long-term bonds, about to expire, would have had to be paid in gold under the first decision, but which they now paid in depreciated greenbacks—gaining millions for corporation coffers.

## OTHER TRIUMPHS OF THE PERIOD

Three important events in this period belong to the story of our foreign relations.

1. In 1867, Secretary Seward (who had retained his position in the Cabinet under Johnson) bought Alaska from Russia for \$7,200,000. This immensely rich district, equal in area to the thirteen original states of the Union—was then thought by many people to be merely “a worthless refrigerator,” but the federal revenue from its seal fisheries alone has since paid the cost twice over.

2. The Johnson administration victoriously vindicated the Monroe Doctrine against interference by Napoleon III in Mexico. During our war, England, France, and Spain had united in a “military demonstration” to secure from Mexico the payment of debts due their citizens. England and Spain soon withdrew from the movement because it became plain that France was aiming at much more than collection of debts. Then Napoleon established Maximilian, an Austrian Archduke, as Emperor of Mexico, and maintained him there by a French army, in spite of vigorous protests from Washington. At the close of the war, however, American troops were massed on the Rio Grande, and Napoleon withdrew his army. (The gallant young “Emperor,” who disdained to save himself by deserting his friends in Mexico, was soon captured and shot by the Mexican Republicans.)

3. Much bitterness was still felt toward England for her government's conduct in the matter of the *Alabama* (page 621). In 1867 a franchise reform in that country put power at last in the hands of the workingmen. Then a new ministry showed a desire for a fair settlement between the two nations. In the Treaty of Washington (1871), England apologized for the remissness on her part in permitting the Confederate

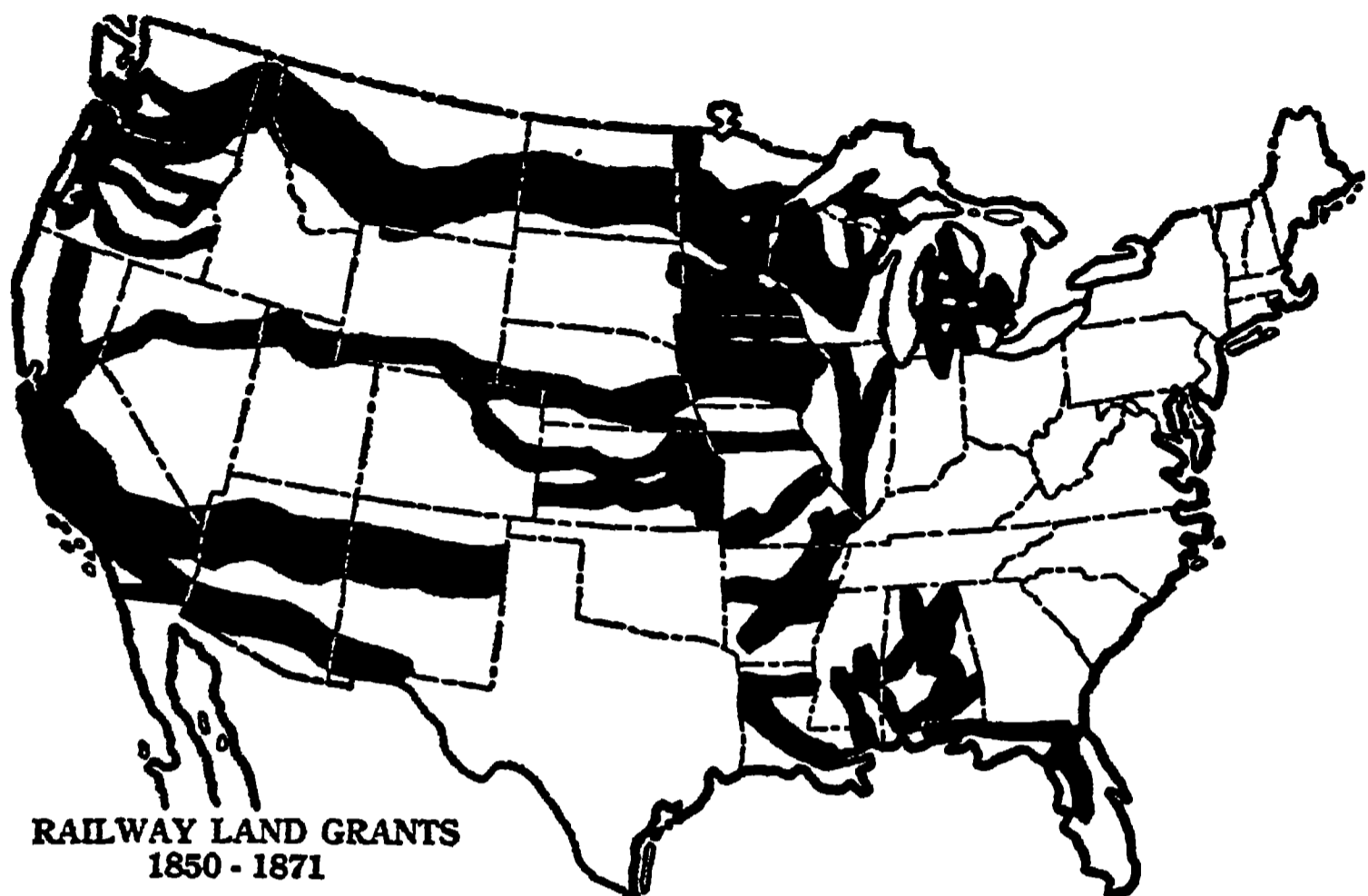
cruiser to escape, and the question of liability for damages was submitted to arbitration.

A Tribunal of Arbitration met at Geneva—one member appointed by each of the five governments, the United States, England, Switzerland, Italy, and Brazil. At first the American government claimed huge “indirect damages”—for the cost of pursuing the *Alabama*, the longer continuance of the war, and the increased rates of insurance on merchant shipping. The Tribunal threw out these claims; but it decided that England had not shown “due diligence” in preventing the sailing of the *Alabama* and of other like ships, and that she was therefore responsible for all damages to American commerce committed directly by them. England paid to the United States the award of \$15,500,000, to be distributed to the owners of destroyed property (an amount which proved excessive, since claimants for much of it could never be found). The settlement was honorable to both nations, and it made a brilliant victory for the principle of arbitration.



Grant's administration had also one great triumph in domestic affairs. The imagination of the nation was dazzled by the romance of carrying the first iron road across the continent, through two thousand miles of “desert.” A Pacific railroad had been under discussion since 1850 (page 587). In 1862 Congress incorporated the Union Pacific Company, which was to build west from Omaha, to meet a road that was being built east from Sacramento by the Central Pacific (a California corporation). To each company Congress gave twenty square miles of land along every mile of road it should build and a “loan” of \$50,000,000—which was inadequately secured and never repaid.

These grants undoubtedly stood the expense of building the road; but something more than money was necessary for so great an enterprise, and the country did owe something



Grants from the Public Domain for railroads merely extended the older policy that had built the National Road. The first such grant was one of three million acres from the Public Domain in Illinois for the Illinois Central. This gift was secured by Senator Douglas in 1850, as part of a notable project to reverse the dominant trend of transportation from west to east (page 585) by establishing a rail artery from the Great Lakes to the Gulf of Mexico. Like grants were made later from the Domain in the other states through which the road ran, and in 1856 the total grants for this and other roads was twenty million acres.

To satisfy constitutional scruples, these early grants were all made to the states, with a clear understanding, however, that the states were at once to turn them over to the roads. After the Civil War, grants were still made by Congress, mainly to encourage transcontinental roads—and now they were made directly to the roads themselves, coming as they did mainly from the Domain in the *Territories*. By 1871, nearly two hundred million acres had been given away, or about one seventh of all the National Domain. In the lands shaded on this map, every alternate section was given to some road.

No grant was made in Oklahoma, because that district then was Indian Territory. The national government never owned any land in Texas; but that state made huge grants from her own vast public lands. So did other Western states from theirs; but no attempt is made here to show state grants.

to the tremendous energy of the men who carried the project to triumphant success in an unbelievably brief time. Congress had fixed 1876 for the completion of the work. Not a rail had been laid when Lee surrendered, but only four years later (1869) with great rejoicings the nation celebrated the meeting of the two lines near Ogden in Utah.

## SCANDAL AND CORRUPTION

Over against these triumphs for Grant's administration there stood a record for public corruption unparalleled until the scandals of the recent Harding era. The debt of the nation to the men who built the Pacific road was offset by the shame of a huge steal. A group of the leading stockholders of the Union Pacific formed themselves into an "inside" company known as the *Credit Mobilier*. Then, as stockholders of the Union Pacific, they looted that organization (and the pockets of its other stockholders) by voting to themselves (as the *Credit Mobilier*) extravagant sums for building the road,—the first notorious use of a dishonest trick within a big corporation that coming years were to make disagreeably familiar. There was a possibility that this robbery might be stopped by Congress. To head off any such interference, the *Credit Mobilier* bribed Congressmen on a large scale—distributing among them shares of its highly profitable stock at prices far below the market value, or even as outright gifts. (Oakes Ames, agent for the company, wrote his associates that he had placed the shares "where they will do us the most good.") The matter leaked out, and Congress "investigated." It censured two members—against whom proof of absolute corruption was unquestionable—and it naïvely excused from punishment various others, smirched in the transaction, on the ground that they had not understood that Ames meant to corrupt them.

Such scandals, and rumors of scandal, made many thinking Republicans see that it was time for the North to stop trying to rule the South—if only in order that it might give all its energies to ruling itself better. In the campaign of 1872, a "Liberal Republican" convention nominated Horace Greeley for the presidency on a platform calling for reform and for leaving the South to solve its own problems, free from military

interference. The Democrats felt forced to accept the candidate with the platform, though they had no enthusiasm for a life-long opponent. Greeley proved an exceedingly weak candidate, and the "regular" Republicans easily reëlected Grant.

His second term, however, proved a period of humiliation for the simple-minded soldier. His confidence was abused basely by political "friends," and he showed himself a babe in their unscrupulous hands. The public service had become honeycombed with corruption. In 1875, Benjamin H. Bristow, Secretary of the Treasury, unearthed extensive frauds whereby high officials had permitted a "Whisky Ring" to cheat the government of millions of the internal revenue. Babcock, the President's private secretary, was deeply implicated, and Grant showed an ill-advised eagerness to save him from prosecution. Soon afterward, too, he allowed the friends of the convicted criminals to drive Bristow from office. Grant, himself, on a visit to St. Louis, had been lavishly entertained by a leading member of the "ring," and had even accepted from him a fine span of horses.

Then in 1876, Belknap, Secretary of War, was found to have accepted bribes, year after year, for appointments to office in the department of Indian affairs. Of course the officials who paid the bribes had enriched themselves by robbing the Indians. The Democratic House (see elections of 1874, below) began to impeach Belknap, but the President permitted him to escape punishment by accepting his resignation.

Low, however, as the honor of the government had fallen, no one, then or later, imputed personal dishonesty to the President. Ulysses S. Grant is a unique figure among the world's rulers. His early life was spent in frontier Ohio. He became a West Pointer, graduating with a rank midway in his class. He served with credit in the Mexican War (of which he



*H. A. Brand*

HE CAME GRIM-SILENT,  
SAW, AND DID THE DEED  
THAT WAS TO DO. IN HIS MASTER'S GRIP OUR SWORDS FLASHED  
JOYOUS. NO SKILL OF WORDS COULD BREED SUCH SURE CONVICTION  
AS THAT CLOSE-CLAMPED LIP.—LOWELL.

strongly disapproved, as he did of most wars), and rose from second lieutenant to captain. In 1854, while under charge of drunkenness, he resigned his commission and took his family to a small farm ten miles from St. Louis—to whose streets in winter he hauled cord wood, dressed, his biographers like to tell us, in a rather ragged old army overcoat. After six distressing years of a not very successful struggle with hard conditions, Grant left “Hardscrabble” and the log-hut he had built there with his own hands, to enter his father’s store in Galena, Illinois. At thirty-nine he was written down a failure in most men’s minds. The war gave him his opportunity—and for four years his fitness for his job transformed the man. But in the presidency he seemed to revert to the muddled mentality of pre-war days. Even then, however, his puzzled *wish* to do the right thing usually impressed the most hostile observers, and the verdict of history was summed up in Lowell’s lines (just following the stanza printed below the picture on page 643),—

Yet did this man, war-tempered, stern as steel  
 When steel opposed, prove soft in civil sway.  
 The hand, hilt-hardened, had lost tact to feel  
 The world’s base coin; and glossing knaves made prey  
 Of him and of the entrusted Commonweal.

\* \* \*

We turn our eyes away, and so will Fame,  
 As if in his last battle he had died  
 Victor for us and spotless of all blame,  
 Doer of hopeless tasks which praters shirk,  
 One of those still, plain men who do the world’s rough work.

### THE ELECTION OF 1876

The thing which probably did most to weaken the Grant administration, after all, was a misfortune, not a fault. In 1873 came another of our periodic “panics” caused by over-investment, this time especially in Western railroads. The

widespread suffering among the working classes helped swell the Democratic vote in the Congressional elections of 1874; and that party not only won control of several of the most important state governments in the North but also—for the first time since 1860—secured a majority (a large one, too) in the lower House of Congress.

The Democratic Congress then gave new publicity to the shames of military rule in the South and to the corruption in the national government. The people of the North were growing weary of both evils, and the election of 1876 closed the long era of political reconstruction. The Democrats nominated Samuel J. Tilden of New York, a prominent reformer, and adopted a “reform” platform. The Republicans named as their candidate Rutherford B. Hayes<sup>2</sup> of Ohio, and appealed chiefly to war-time prejudices by a vigorous “waving of the bloody shirt.”

On the morning after election, papers of both parties announced a Democratic victory. That party had safely carried every “doubtful” Northern state (New York, New Jersey, Connecticut, and Indiana), and, on the face of the returns, they had majorities in every Southern state. They claimed 204 electoral votes to 165. But in Louisiana, Florida, and South Carolina, carpetbagger governments, hedged by federal bayonets, would have the canvassing of the returns, and they were promptly urged by desperate Republican politicians in the North to secure a favorable count. The carpet-

<sup>2</sup>James G. Blaine, for many years preceding 1874 the Speaker of the House, had been a leading candidate for the nomination. Shortly before the convention, however, he was accused of complicity in a railroad scandal somewhat like the famous Credit Mobilier matter. The evidence was supposed to be contained in letters from Blaine to a certain Mulligan. On pretense of examining these letters, Blaine got hold of them and never permitted them to pass again from his hands. He read parts from them in a dramatic “justification” of himself before the House; but the “Mulligan Letters” made this “magnetic” statesman thereafter an impossible candidate for national favor. The fact seems to be that he did not receive a bribe, but that he did (in at least the worst of bad taste) ask a certain railroad to reward him for having used his vote and influence in Congress in its favor.

bagger officials proved easily equal to the emergency. On the alleged ground of fraud and of intimidation to negro voters, they threw out the votes of enough districts to declare the Republican electors chosen. In Oregon one of the Republican electors who had been chosen proved to be a postmaster, but the Constitution declares federal officials ineligible as electors. In these four states, then, two sets of electors secured credentials from rival state governments or conflicting officials, and double sets of votes were sent to Washington. Twenty votes were in dispute. Hayes could not be elected without every one of them. *Any one* of them would elect Tilden.

Louisiana was perhaps the most trying case. There the Democratic ticket had a majority of 6,000, in spite of the fact that local election judges freely employed "perjury, forgery, and shameless manipulation of the results before publication" (Dunning, *Reconstruction*, 316). But now the canvassing board "threw out returns on vague rumor and unsupported assertion," and "ignored technical irregularities in returns that favored Republicans, but used the same defects as a ground for rejecting returns that favored the Democrats." Such methods manufactured a Republican majority of 3,500.

How should it be decided which sets of returns were valid? The Constitution was unhappily vague. Congress could not easily agree upon a law, because the lower House was Democratic and the Senate Republican. Injudicious leadership might easily have plunged the nation again into civil war, which this time would not have been sectional. Finally (January, 1877), Congress created the famous Electoral Commission of fifteen, to pass upon the disputes: five members chosen by the House, five by the Senate, and five justices of the Supreme Court—of which last five, three were Republicans. After many painful weeks, by a strict party vote, the Commission decided every disputed point in favor of the Repub-

licans. The end was reached only two days before the date for the inauguration of the new President.

The "eight to seven" decisions became a by-word in politics, and are generally regarded as proof that even the members of the Supreme Court were controlled by partisan bias. But this discreditable result was more than offset by the notable spectacle of half a nation submitting quietly, even in time of intense party feeling, to a decision that had the form of law. Rarely, in any country, has free government been subjected to such a strain—or withstood one so triumphantly.

After all, the South reaped the fruits of victory. President Hayes at once removed the federal garrisons. Then the state governments to which his election had been due immediately vanished, and the South was left to work out its salvation for itself as best it could.



## Part Ten

### A Half-Century of Growth, 1865-1914

(Between Two Wars)

*What is the meaning of all this activity? It is a reaching out for a better state of society than now exists. It means a wish for less misery among the poor, less ignorance in the schools, less suffering in the hospitals, less fraud in business, less folly in politics. It means more love of beauty and art, more lessons from history, more security in property, more health in cities, more wisdom in legislation.*

—DANIEL COIT GILMAN, First President of Johns Hopkins University, in his Inaugural in 1879.



## CHAPTER XXXV

### AFTER A HUNDRED YEARS

THE population of the United States in 1890 had risen to 63½ million—sixteen times that of 1790, and double that at the opening of the Civil War thirty years before. Thirty years later it had grown to almost 106 million, without counting nearly 8 million more in the island possessions recently acquired from Spain. In late years the Middle West, so long the scene of most rapid increase, has become nearly stationary, while the manufacturing East and the Far West have had the greatest growth. In 1790, one man in twenty lived in a city: in 1920, one in two. Less than a third of the people now live on farms, and the proportion decreases steadily. But the development of farm machinery makes it possible for that third to feed the other two thirds more easily than nineteen twentieths fed one twentieth in 1800.

While population was doubling in the thirty years after the Civil War, wealth increased more than three-fold. Since that time wealth has grown even faster, though population has grown more slowly.

### OUR LAST FRONTIER

*The confidence of these Westerners is superb. They seem to live in the future, rather than in the present. Not that they fail to work while it is called today, but that they see their country not merely as it is but as it will be, twenty, thirty, fifty, a hundred years hence, when the seedlings they have planted shall have grown to forest trees.*—LORD BRYCE, in his address at the opening of the Northern Pacific in 1883.

The census of 1890, just a hundred years after the first census, marked the close of the frontier era in American

life. It had taken two hundred years for our first frontier to move westward the thousand miles from the Eastern ocean to the Mississippi. Thirty years more went to establishing the tier of states just west of that river. Then, with the rush of gold-seekers, the Pacific coast filled up. But when the Civil War closed, vast grassy plains, a thousand miles in width between the settled area on the East and the Rockies, were still left to the Indian and the buffalo.

This last frontier was not a line, like our earlier ones, but a broad band of territory, stretching north from the Rio Grande to the Canadian border. It was crossed ahead of settlement by railways (four lines from the Mississippi to the Pacific by 1885, with many spurs into formerly inaccessible regions), and it narrowed swiftly as settlers moved out upon it from both East and West.

The first frontiersmen in the West, as elsewhere, were hunters and trappers; but here these familiar types soon gave way to two new figures in American life.

1. Along the foothills and in winding mountains valleys was the frontier of the miner with pick and shovel, marked by occasional roaring mining camps, starting up almost overnight, mushroomlike—characterized by the saloon bar, the gambling house, and the dance hall. Professor F. L. Paxson has pictured graphically the demoralizing life of that frontier—on the foundation of which, however, there was to arise a group of splendid commonwealths:

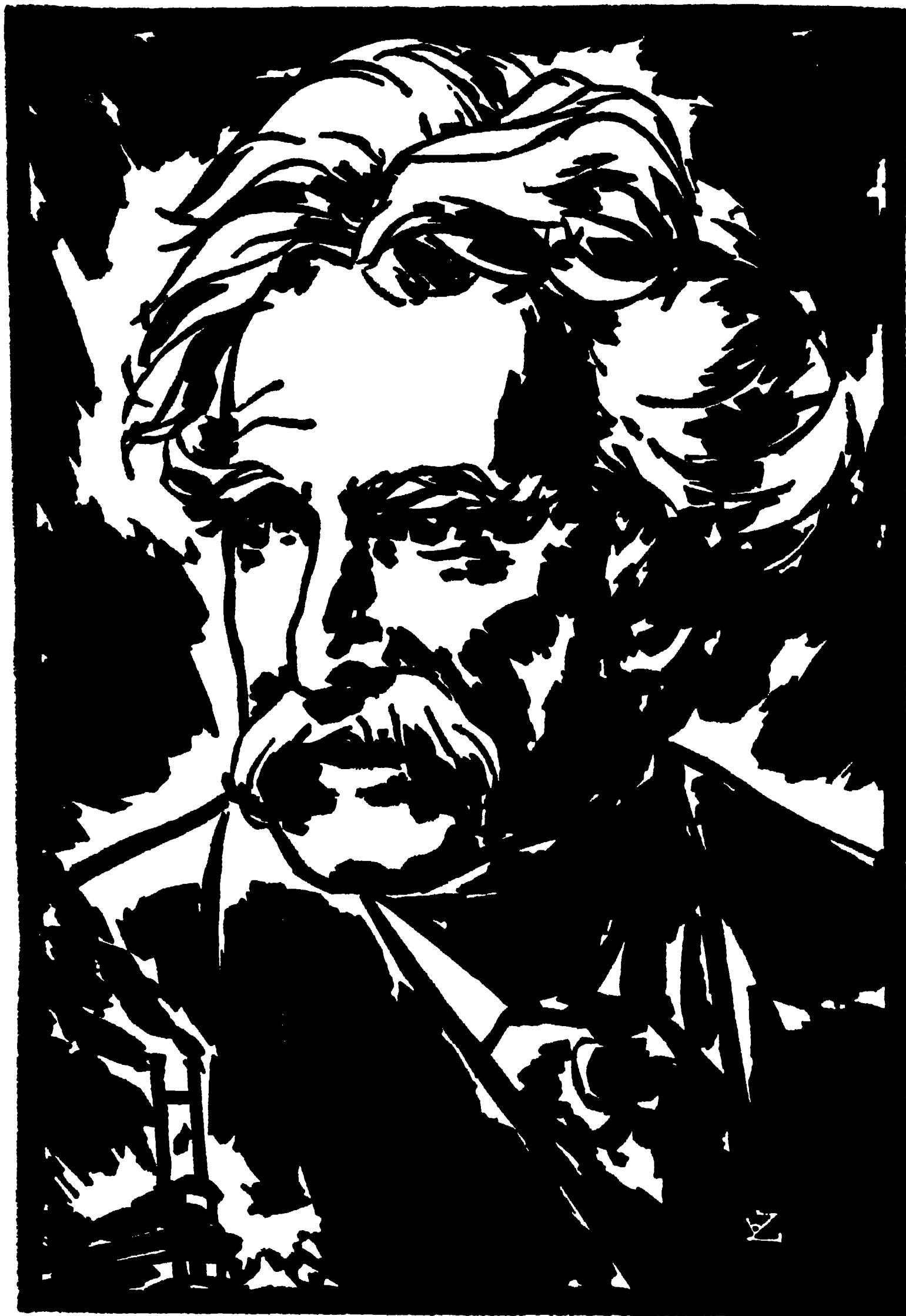
A single street meandering along a valley, with one-story huts flanking it in irregular rows. . . . The saloon and the general store, sometimes combined, were its representative institutions. Deep ruts along the street bore witness to the heavy wheels of the freighters, while horses, loosely tied to all available posts, revealed the regular means of locomotion. . . . Few decent beings habitually lived in the towns. The resident population expected to live off the miners either in the way of trade or worse. . . . In the reaction against loneliness,

the extremes of drunkenness, debauchery, and murder were only too frequent in the places of amusement.

The mining frontier had much of its growth before the Civil War, and so before railroads reached the West. The famous Comstock Lode (gold and silver) was discovered in Nevada in 1859, and like discoveries followed quickly in Colorado. The rush of "Fifty-niners" was greater than that of the Forty-niners to California. The one year 1860 brought 100,000 adventurers to Colorado. Not all of them stayed. The quartz mining of these regions (unlike the early placer mining of California streams) called for costly machinery to make it profitable. Many a hopeful immigrant of the first months had painted on the canvas top of his wagon the boastful legend "Pike's Peak or Bust," but many of those wagons straggled back, later on, bearing the grim confession, "Busted, by Gosh."

Such failures, however, did not stop the westward rush—which soon extended itself also to new silver and copper regions in Idaho and Montana. Just as during the Revolution tens of thousands of sturdy homeseekers had pushed over the Appalachians into the rich lands of Kentucky and Tennessee, so now hundreds of thousands of their successors poured across the desolate plains to the new Eldorados of the Far West. One traveler eastward in 1864 declared that in a sixteen-day journey toward settled areas he met an average of fifty wagons a day.

2. A little later, on the prairies, came the frontier of the cowboy, with pony, lariat, and "six-gun." The seventies were the great days of the "cattle kings," whose vast herds of long-horns grazed free on Uncle Sam's pasture from Texas to Montana, "following the grass" as the seasons changed. Once a year, at the round-up, bands of cowboys sorted out the half-wild herds, branded calves and "strays" with the proper mark, and drove thousands of fat steers to some railway—often a



*Mark Twain*

(SAMUEL L. CLEMENS)

AMERICA'S SAD HUMORIST-PHILOSOPHER AND EXPOSER OF SHAMS.

distant one, since the animals were expected to grow fatter on the generous pasture as they traveled—thence to be shipped to the stockyards of Omaha, Kansas City, St. Louis, or Chicago. Cruel and bloody wars were waged between cattlemen and sheepmen for the use of this public pasture.<sup>1</sup>



Soon the cattle industry was threatened by more dangerous invaders. Homestead farmers pressed in rapidly, fencing off choice quarter sections for crops, so cutting down the range pasture and barring the trails to the "Long Drive." The cattle men did not give way to these "nesters" without a bitter and lawless struggle. Many a homesteader's fences were cut, his crops trampled, and his stock driven off, if, indeed, he was not burned out or slain. But in the end the farmer won out. Much beef is still raised on Western ranches where the soil is too dry for grain crops; but these ranches, though huge, are fenced and privately owned, and the business is on a far less magnificent scale than when the vanished race of cattle kings ran herds over eight million acres.

The victory of the pioneer farmers on this last frontier, however, was not an easy one. Besides that hostility of the cattle men, they had many troubles unknown to earlier pioneers. True they had no forests to clear away before they could plant a crop, but, on the other hand, they had no wood for building or fuel. Lumber or coal had to be bought for cash at the nearest railway station—the cost mightily increased by freight charges and by the long and slow haul out to the farm. The first houses were often built of prairie sod; and many times they had to be warmed with burning bundles of straw. Plagues of grasshoppers, unknown to the

<sup>1</sup> These vanished phases of American life live still in Mark Twain's *Roughing It*, in Bret Harte's stories of the miner's frontier, and in Owen Wister's *Virginian* and a host of lesser stories of the old cattle country. The discovery that the valueless cattle of Texas could find a profitable market by the "Long Drive" north to one of the transcontinental railroads is the theme of Emerson Hough's *North of 36*.

East, devoured the wheat. Swiftly spreading prairie fires destroyed house and crop. In winter, the cattle and often the settlers themselves strayed and were frozen to death in the sudden and frightful Western blizzards, which in those days were foretold by no efficient Weather Bureau. The "plains district" (the "Great American Desert" of school geographies in the seventies) had scant rainfall, and the farmers who settled even along its margin found that many crop failures came from long dry summers that followed one another sometimes year after year—with hot winds that withered the wheat before it ripened.

Many farmers gave up in despair, and went "back East." Many stayed only because they could not get away. The most steadfast hung on through the dry years in long-deferred hope of the good year that was "bound to come some time." Gradually, men learned where wheat could be raised with profit and what land was better left to grazing, and in some places enterprising irrigation companies made thousands of dry acres dependable and fertile. And in the Red River valley, where drought was almost unknown, through all this period of Western trial, "bonanza farmers" raised "bumper crops" on thousand acre farms—and, like every other form of frontier life, enriched the language with new American terms.

Gradually, too, along the line of each railway, at intervals of ten or twelve miles, there grew up farmers' marketing villages, monotonously alike. Each had its station, of course (usually a low, dirty, red, frame building), and its one or more grain elevators. Across the road from these, facing the railway, stood always two or three "general stores" (the post office usually in one of them) and a larger or smaller number of "saloons," with an eating place or two. Back of these, the prairie for a short distance was dotted with structures that looked much like somewhat enlarged dry-goods boxes, painted or unpainted, dropped irregularly here and there among the gopher holes—all this without the relief of a single shade

tree, but with possibly two or three rival church buildings rearing stubby belfrys above the general level, and possibly even with a brick church, which would usually prove to be a Roman Catholic structure. And then, fifteen or twenty years later, by some strange magic, each third or fourth of these desolate centers of human habitation had been transformed into a thriving town, with paved streets, electric lights, handsome public squares, and certainly with ample and imposing and probably admirably equipped school buildings.

The West gave new importance to other industries also, besides mining, cattle raising, and wheat farming. In the mountains of Idaho, Washington, and Oregon, lumbering proved more profitable even than mining, and another new American type appeared in the wealthy "lumber baron," who often had worked his way up by the hardest of hard knocks from a rough "lumber-jack." (On a smaller scale, the like had been done earlier in northern Minnesota, Wisconsin, and Michigan, and even in Maine.) The sheltered valleys of the mountain ranges in the Northwestern states proved also to be excellent for fruit growing; and on the coast the port-towns, such as Seattle, Portland, and Tacoma, were soon winning a large share of the rich commerce with China and Japan, as well as a flourishing coast trade. The transcontinental railroads made these Pacific cities the exchange markets between our East and Asia. At last the dream of Columbus had come to fruition.



Meantime, the Western Indians had been making a desperate stand in a series of wars to save their hunting grounds and homes from the white advance. Between 1865 and 1880, Indian wars cost our government \$22,000,000 in money alone, and the mere names of battles fill twenty pages. Perhaps the fiercest of these struggles, marked by the memorable

Custer disaster, was brought on by the illegal rush of miners into the Sioux reservation in the Black Hills when gold was discovered there in 1875. Two years later, in a message to Congress, President Hayes declared that "many if not most" such wars had been caused by "broken promises and other injustices" on the part of the whites.

That treatment of the wards of the nation was recounted impressively by Helen Hunt Jackson in her pathetic history, *A Century of Dishonor*, while her novel *Ramona* presented the pitiful fate of California Indians in an even more dramatic form. Shortly before Grover Cleveland became President, these volumes fell into his hands and enlisted his earnest sympathy. He saw, however, that large tribes of Indians on reservations must continue to be victimized into bloody risings by the greed of white invaders,—with inevitable and crushing retribution to follow from the rifles of United States regulars; and so in 1887 he persuaded Congress to enact the Dawes Act, beginning a more hopeful way of dealing with the Indians. That law offered farms of 160 acres each, equipped with machinery and stock, to all who would abandon the tribal life and become naturalized citizens. During the next thirty-five years, more than half the Indians in the United States adopted this plan. Then in 1924 Congress gave full citizenship to all the rest, whether on reservations or not. Generous government provision, too, has been made for educating Indian children in special schools. In 1880, seven thousand were being so trained; in 1900, seventy thousand—a very large fraction of all Indian youth of available age.



The Western "frontier" extinguished itself in some fifty years by giving fourteen states to the Union. When the Civil War began, thirty-four states made a solid block from the Atlantic to the Mississippi, with one full tier on the west bank of that river, and with Texas, California, and Oregon farther

vest. During the war and reconstruction, Western growth added four more commonwealths to the Union—Kansas (1861), Nevada (1864), Nebraska (1867), and Colorado (1876). No new state came in for the next thirteen years—although the increase of population was then still most rapid in the agricultural region of the newest “West,” but this delay was due largely to partisan politics at Washington. In the Dakotas, districts without a settler in March were sometimes organized counties in November. The two Dakota Territories were long kept knocking for admission, however, because the Democratic Congress was unwilling to add states so sure to reinforce the Republican party. Montana and Washington, on the other hand, were expected to strengthen the Democrats, and in 1889 an “omnibus bill” admitted all four states. The next year, the admission of Idaho and Wyoming gave the first continuous band of states from the Atlantic to the Pacific.

Utah had reached the stature of statehood in numbers and wealth some time earlier, but Congress had repeatedly refused to admit it because of the practice of polygamy there. In 1896, however, when the Mormon Church had renounced that doctrine, the state was admitted. The Territories of New Mexico and Arizona, too, were delayed somewhat in attaining statehood, by the unwillingness in Congress to give citizenship to the large Mexican and Spanish population; but, after the admission in 1907 of Oklahoma (the old “Indian Territory”), it was not possible much longer to keep these others out of the Union, and they became states in 1912. This completed the solid block of forty-eight states in the vast region bounded by the two oceans east and west and by Canada and Mexico north and south.



The Census of 1890 announced that America no longer had a continuous frontier. A period in human development had

closed—though, as usual in such cases, the people affected by the change did not recognize the fact for a generation afterward. Page 395 of this volume dwelt upon the potent and beneficent influence of free land and of the individualistic, democratic, progressive farm population in making the America of the nineteenth century. Before 1900, those factors had vanished from American life.

The heroic age of American agriculture, too, had closed. The small farmers who followed Boone and Robertson across the Appalachians just before the American Revolution, and during it, found their inspiration in part in a famous marching song,—

Then o'er the hills in legions, boys;  
Fair freedom's star points to the sunset regions, boys!

\* \* \* \* \*

When we've woods and prairie land  
Won by our toil,  
We'll reign like kings in fairy land,  
Lords of the soil!

Quaintly enough, this same song remained the marching song of the pioneer farmer of English and American descent at each new remove toward the setting sun for more than a hundred years. When Hamlin Garland's father, back from the Civil War, began to think of moving from his farm in the woods of a narrow Wisconsin valley to the wider level lands of southern Minnesota, it was this song he called for at neighborhood gatherings (so Garland tells us in his autobiographical *Son of the Middle Border*). Then, in southern Minnesota, a few years later, the stalwart veteran (grizzling slightly now, but still under middle age) began again at intervals to call out, "Come, Belle, sing 'O'er the Hills in Legions, Boys,'" and again came the same unfaltering response from the brave-spirited and loyal wife and mother, who had left much of her heart, uncomplaining, in the old Wisconsin home, but

whose lilting voice still led the singing. And so again, when the Garlands moved from their second Minnesota stop once more on to the treeless Dakota sod—each move made with more meager resources and with failing strength and hope, to live among more comfortless and less congenial surroundings, with more cruel labor—until at last the growing sons, in desperation, broke through all ties to escape to Eastern cities so as to live a fuller life of their own, leaving the older and more helpless of the family to toil on hopelessly, pitiful “lords of the soil.” Before 1900, the American farmer had to confess that his long-sought “fairyland” did not lie anywhere upon the surface of the continent which he had searched from East to West. After that time, if he were to escape the fate of European peasantry, the way had to be sought in new factors and by new methods. The age of romance had given way to an age of stern realism for American agriculture.

No brief narrative history like this volume can even suggest the mingled pathos and heroism and dreary drudgery of that farm life during the century while it was still the life of the great majority of American citizens. The reader who would understand it at all today must seek its dramatic presentations in such stories as Herbert Quick's *Vandermarck's Folly* and *The Hawkeye* (for the early heroic period in the West), and in Willa Cather's *O Pioneers* and *My Antonia*. Hamlin Garland's realistic picture, referred to so fully just above, is matched on the side of young womanhood (with its outlook only upon unending and futile drudgery) by Martha Ostenso's *Wild Geese* and *The Mad Carews*. And Boyer's *Emigrants* and Rølvaag's *Giants in the Earth* best portray the tragedy as well as the poetry of life on bleak and lonely plains in the Northwest for transplanted Norwegian peasant and fisher folk, acquainted as they had been only with mountain and sea and kindly village life.

## THE NEW SOUTH

As early as 1886, Henry Grady, editor of the *Atlanta Constitution*, proclaimed that the free negro was counting for more in industry than he had ever done as a slave. This was true even on the farm—after the old plantation system gave way to small holdings and diversified crops. Just after the war, to be sure, vain attempts were made by Northern capital to cultivate huge plantations of the old sort with gangs of hired negroes. But these enterprises broke down, and soon the great landed estates began to divide into small farms, rented on shares to negroes or poor whites. Such tenant-farming is likely to result in slack cultivation, and to reduce the renters to a kind of serfdom—since in bad years they are forced to mortgage their crops for the next season in return for food and supplies and seed. Still, the renters have grown slowly toward ownership. The negro's wholesome ambition to become a landowner has been a chief source of social and industrial ambition for his race and for the South—although, since 1900, that movement has been checked somewhat by a growing exodus of negroes to Northern cities.

Under the system of free labor, however, with all its unpromising auspices, the South raises twice as much cotton as before the Civil War—and on a smaller area. At the same time it produces a much greater variety and amount of other crops. Especially have the "truck farmers" found huge profits in growing early vegetables and fruits for Northern city markets—an industry made possible (as was the spread of dairying in the Northwest and of orchard cultivation on the Pacific slope) by the invention, in the seventies, of the refrigerator car and cold storage.

And the South is no longer "only a farm." It has become also a vast workshop, with varied industries. First it seized upon its long-neglected advantages for cotton manufacture.

Northern capital built mills along the Fall line of the Atlantic slope, and cheap and abundant labor was supplied by the poor whites of the neighboring mountain folk, now gathered into new factory villages and towns. By 1920, half the cotton manufactures of the Union were in the South. That awakened section soon began also to make use of its other long-unused natural resources. Its forests and mines now turn out a large part of the nation's lumber, coal, and iron. Phosphates for Northern farms come from Tennessee. Texas and Oklahoma have the richest oil wells of the Union. In scores of new cities, coal from Southern mines, or electricity from the waterpower of Southern rivers, turns the wheels of hundreds of mills. Birmingham's steel furnaces, rivaling those of Pittsburgh, stand where a single blacksmith shop marked a crossroad spot during the Civil War.

The dislodged planter class (page 624), or at least its sons, found new places in the professional classes of these new cities or as managers and engineers in the manufacturing industries—so far as they had not already "gone West" to the frontier or found like positions in Northern cities.

## NEW AMERICANS

*I looked toward the United States with eager eyes kindled by the fire of ambition, and heart quickened with new-born hope. I approached its gate with great expectations. I entered in with fine hope.*—"THE IMMIGRANT," speaking through FREDERICK HASKIN.

One great factor in the growth of population after 1865, and in the swift settlement of the West, was the increase of immigration. The Civil War had checked that movement; but 1865 brought to the United States more than a quarter million of European settlers (three-fourths of them from the British Isles and Germany), and the year following brought 318,000. Fifteen years later, the annual increment had risen

to 700,000, and by 1905, to more than a million. The census of 1910 showed one-third of all the white population foreign-born or born of foreign-born parents.

For many decades, while American resources still seemed inexhaustible to the feeble popular imagination, the nation not only welcomed these newcomers but even sought eagerly to entice them from their Old World homes. Many a state set up a "Bureau of Immigration," to make sure of its share of the enriching stream, and advertised its special advantages by lavish distribution of pamphlets (not always modest) in every village of many a European land. Steamships and railways made it easier for the immigrants to come than in older days, and, for a time, the Homestead law made it easy for them to get farms. And after all, America's best advertisers were the immigrants themselves. Their glowing stories of the openings they had found led sometimes to the migration of their old villages en masse. Never had the world seen such a tremendous movement of populations as took place during the latter part of the nineteenth century to this "land of opportunity." Before 1890 there were a fourth as many Scandinavians in America as in Europe; and in all, in the thirty-five years between 1865 and 1900, the United States gave homes to 13,260,000 Europeans—four times the whole population when George Washington was President!

A striking passage of Frederick Haskin makes *The Immigrant* (of about 1900) describe himself as America's "man-of-all-work":

I contribute eighty-five per cent of all the labor in the slaughtering and meat-packing industries;  
I do seven-tenths of the bituminous coal mining;  
I do seven-eighths of all the work in the woolen mills;  
I contribute nine-tenths of all labor in the cotton mills;  
I make nineteen-twentieths of all the clothing;  
I manufacture more than half of the shoes;  
I build four-fifths of all the furniture;  
I make half of the collars, cuffs, and shirts;

I turn out four-fifths of all the leather;  
I make half the gloves;  
I refine nearly nineteen-twentieths of the sugar;  
I make nearly half of the tobacco and cigars.

Nor does this say aught of the waste spaces of the West turned into thriving farms and prosperous villages by German and Scandinavian settlers, nor of the hardest and poorest-paid work of all, in the mines and in digging tunnels and grading railway beds—done almost exclusively by newcomers from southern and southeastern Europe.

Wasteful America has wasted few of her rich resources more recklessly than in her failure to absorb and utilize the fine cultural elements of the folk customs that these immigrants brought with them—and which American disdain or ignorant contempt, and later condescending schemes of “Americanization,” drove them to discard (in the second generation anyway) as a step toward entrance into American life. Well for those immigrants who even at that cost did manage to break in, instead of being held, fenced off, in little uprooted communities of their own on the outskirts of American civilization. About 1890 the immigrant began, in a new degree, to show up as an almost unassimilable element.

Until 1890 immigration remained mainly like that before the Civil War—with some increase from Scandinavian lands. But after that time, more and more, the immigrants came from the lands of southern and eastern Europe—Italians, Russian Jews, Bohemians, Poles, Hungarians, Slovaks.<sup>2</sup> A large part of these later immigrants were unskilled workmen, illiterate (even in their own languages), and accustomed to a standard of living lower than that of workers in America. Moreover, since 1890, the newcomer has had little chance at a “free”

<sup>2</sup> Until the World War, the Jews were being persecuted cruelly in Russia; and Poland, Bohemia, and other smaller Slav provinces were oppressed subject lands of Russia or Austria, whence the inhabitants looked with fine hope to this “Land of Freedom.”

farm. Instead, he has usually been forced to seek a home in some "foreign quarter" of one of our large cities or factory towns, or in the coal-mining districts, with little more contact with the wholesome sides of American life than he had in his European home.

In 1906, a young socialist-novelist, Upton Sinclair, published *The Jungle*. That tragic story purported to be the account of a Lithuanian peasant family, drawn into the whirlpool of immigration by deceitful posters of a steamship company (anxious to crowd its steerage with passengers to America), and soon cast not exactly into the "melting pot," but at least into the fiery furnace of a new industrial system. Jurgis, the young husband, finally finds work in the stockyards of "Packingtown" (Chicago), but not until he has learned the need of paying costly graft to get a job—as he soon learns the necessity of paying still more graft to keep it. The rest of his small resources he invests joyfully as the first installment on a house—under a thieving contract which is falsely interpreted to him. He sees the wealthy and powerful company for which he toils stealing from the city in various ways and poisoning as well as robbing the public by putting out filthy and diseased products, after stifling honest government inspectors by its "influence." He sees his family victims of hideous disease because of faulty city government, which again is largely due to the corrupt influences of the great industrial company. At a critical moment for his family life, he is "laid off" without notice, to prevent interference with company profits. At another time, after striking against intolerable oppressions, he is blacklisted; while his wife, to save the family at all, is forced to become the victim of a lustful petty boss.<sup>3</sup>

<sup>3</sup> Nor should we dismiss Sinclair's indictment lightly as exaggeration. A scrupulous and scientifically trained observer, a social worker in that same stockyards district for many years before the date of the story, said to the writer of this volume that she could match in her own observation every incident told in the novel, and that while it was not likely that all the evils described in *The Jungle* ever befell any one victim (few men, indeed, could last long enough), still certainly every one of them did befall *some*



The first agitation to check the unlimited immigration that aggravated such evils came from the selfish but wise demands of organized labor. Mine owners and large manufacturers had been sending agents to Europe to hire cheap workers there, paying their passage to America after requiring them to sign contracts to work for long periods at what in America were exceedingly low wages. American labor quickly awoke, however, to the certainty that such practice, if unchecked, would force down its wages also below the accepted standard necessary for decency; and in 1885 the labor unions persuaded Congress to forbid further importation of "contract labor." Three years earlier the agitation had resulted in the first of a long series of less decisive "exclusion acts," to shut out anarchists, convicts, idiots, lunatics, paupers, and finally (1917) illiterates.

Immigration fell off during the World War because European countries kept their man-power at home. Then in 1919 war-stricken Europe prepared to pour her millions upon us more swiftly than ever before. The peace, however, found industry demoralized even in America, where, in 1921, five million men were seeking work. Congress accordingly began to pass a new kind of "Exclusion Acts," limiting the number of immigrants who might enter this country in any one year and apportioning that number among the different European countries in the proportion in which they have previously sent us citizens. The law of 1924 permits a total of only 150,000 a year.

Oriental labor has been wholly excluded. The Union Pacific (1865-1869) began the importation of Chinese coolies to do the heavy work in building its line westward through the Rockies, and these immigrants continued to be welcome in the

victim. And the worst of it was that, in that predatory era of industry, like tales might have been told of the steel or woolen industries as well.

early seventies for like toil in building other transcontinental railroads. But as white laborers became more numerous in the West they objected vehemently to this Oriental immigration (especially during the long depression that followed the panic of 1873; page 645). A Chinaman lived and saved on wages on which no Irish or German immigrant could possibly keep up a home in the fashion of his class by American or even by European standards. Moreover, the Chinaman almost always looked forward to returning to his Asiatic home with his savings, after a term of years. Accordingly, our first exclusion law (1882) shut out Chinese labor. For many years a like result was reached as to Japanese labor by a "gentleman's agreement" between the United States and Japan, whereby Japan herself promised to keep her laborers from coming to America. But when Congress enacted the immigration law of 1924, it insisted on *expressly* forbidding all Oriental immigration—against earnest and repeated recommendations from President Coolidge and Charles Evans Hughes, then Secretary of State. This incident added regrettably to bad feeling in Japan toward the United States.

### THE AGE OF ELECTRICITY: NEW INVENTIONS

In 1876 the nation celebrated the hundredth anniversary of the Declaration of Independence by a huge "Centennial Exposition" at Philadelphia.<sup>4</sup> Three million Americans from all parts of the country visited Philadelphia that summer, and the Exposition undoubtedly contributed to a quickening of our intellectual and esthetic and industrial life. A large number of recent epoch-making inventions were displayed there—such as the Bell telephone, still in its toy stage, and the fourteen hundred horsepower Corliss engine, outrunning all

<sup>4</sup>Foreign nations coöperated generously. There had been at that time only one or two precedents for anything of this sort—hardly anything, indeed, except the famous Crystal Palace Exhibition in London in 1851.



*Geo. Westinghouse* A TYPICAL ENGINEER (ELECTRICAL), WHOSE CREATIVE INTELLECT IS CHARACTERISTIC OF ENGINEERING GENIUS.

previous dreams of mechanical power. During the next few years the Age of Steam gave way to an Age of Electricity. The young Edison, "the most versatile inventor in history,"<sup>5</sup> was already experimenting with the electric street car that was soon to replace the small slow horse-cars and cable-cars of that day. Three years later he perfected the first practicable incandescent electric light,<sup>6</sup> which has transformed the appearance of our homes and cities and has lengthened the working day in many industries to twenty-four hours. About that same time, the development of a central exchange system for the telephone turned "Bell's plaything" into an indispensable adjunct for both our social and our business life. In 1877, Edison invented the phonograph, which, in its adaptations and improved forms, has added as much perhaps to recreation and amusement in the home as the telephone has to our power to do business in the office. And in 1888 the invention of the Eastman portable snapshot camera made photography a new force in science and in advertising and in outdoor recreation. In a quite different field, the Remington typewriter of 1873 (invented by C. L. Sholes of Milwaukee) began to revolutionize office work, opening a new vocation and economic independence to hundreds of thousands of women.

And the new "Age of Electricity" was also the Age of Steel. Steel is an alloy of iron, about midway between brittle cast iron and malleable wrought iron. It had been produced, at great cost and in small quantities for many centuries; but until after 1855 no way was known to turn iron ore into steel cheaply and rapidly. Then, in England, Germany, Sweden, and America, came a swift series of inventions for blowing air, in just the right amount, through the particles of molten iron, to burn out the impurities. During the next thirty years that

<sup>5</sup> Edison took out 727 patents for new inventions between 1870 and 1900.

<sup>6</sup> A less desirable "arc light," capable of meeting needs of street lighting, but costly and noisy, had been invented just before.

“Bessemer process” made steel cheap and plentiful. In 1850 a ton of steel, produced by the old methods, cost \$250; in 1875 the same amount of better steel cost only \$50; and twenty-five years later, only \$17.

Swiftly, new uses were found for the cheapened product. The framework of our tunnels, our great bridges, and our “skyscraper” buildings are constructed of it—so that its structural use has even changed the appearance of the landscape in all settled regions, and indeed has brought into the world a new kind of beauty. New and better machinery of many kinds, too, has become possible, and the Western farmer (on the plains where wooden fences were out of the question) could never have fenced his fields at all except for cheap steel wire. Nor ought we to forget the new comfort and charm in human life due to wire-screened houses and verandahs.

To produce steel, both coal and iron are necessary. These two minerals are both found, close together, in western Pennsylvania, and so until after our Civil War, Pittsburgh produced most of our steel and iron manufactures. At that time, however, we were still obliged to import large amounts of such articles—even most of the rails used in building our few railroads of that day. But about 1870, vast deposits of iron ore were found near Lake Superior in northern Minnesota, Wisconsin, and Michigan; and (as we have seen) coal and iron were found in abundance, near together, in West Virginia, Tennessee, and Alabama. By 1895, the United States was producing more steel than any other country in the world and was exporting thousands of tons every year. Fifteen years later, this country produced one-third of all the world’s supply. By that time, too, the value of American manufactures of all kinds was six times that at the time of the Civil War, and we had become the leading manufacturing country in the world. Half the women of the civilized parts of the globe use American sewing machines, and in Arabian and African deserts

American canned goods feed natives who begin to discard camels for "flivvers" from Detroit. In 1910, at the Paris Exposition, the United States industrial exhibits were given more space—and were awarded more prizes—than the exhibits of any other country.



And still another new source of energy had come to the front. For a hundred years, coal had been our chief manufacturing fuel, but before 1900 its place was challenged by petroleum. Small quantities of this mineral oil had been known before 1850, when its chief use was as liniment,—“Indian Oil” or “Seneca Oil,” sold by charlatans to cure rheumatism and most of the other ills that flesh is heir to. In 1859, on the eve of the Civil War, the first gushing well was “struck” in western Pennsylvania; and soon the use of oil for light, heat, and power began. That staid district quickly rivaled the wildest mining regions of the West in scenes of mad excitement. Fortunes were made over night, and “to strike oil” became a synonym for success—like the earlier “when our ship comes in” of old commercial days.

In the 60's the kerosene lamp replaced the whale oil lamp, until replaced in turn by city gas or electric lamp; and, toward the end of the century, gasoline became the power to run a new sort of engine—light, simple, cheap—which for many purposes is infinitely superior to the old steam engine. On farms the stationary engine saws the wood, churns the butter (in the creamery if not at home), runs the separator, pumps the water, and does various other of the old hand jobs, while gas tractors in the fields draw much machinery formerly drawn by horses—heavier and better machinery, too, and at a more rapid speed. And crude oil makes a better fuel than coal to run ocean steamers and warships and even the furnaces in our homes. Today no nation can make progress in industry without a sufficient supply of oil.

Gasoline insured the success of other inventions, notably, of the automobile and airplane. In their efficient forms these belong to the years just before and just after 1900, and their story is too familiar to need repeating here. In 1924, the first regular transcontinental air mail was established by the government, to make the trip from New York to San Francisco in 25 hours—and men still hale remember when the pony express marked a marvelous advance! The globe is encircled with telegraph and cable and telephone lines for almost instant communication.

Indeed, we are becoming independent of wire communication. Since 1896 the wireless telegraph has been in operation, and in 1919 the wireless telephone was first used successfully across the Atlantic. Five years later television had made such advance that a photograph of the American ambassador in London was transmitted to a New York screen by wireless. Today it is a rare home in the Minnesota woods where the family of an evening do not hear concerts that are going on in Pittsburgh or New Orleans or Winnipeg or New York. And, in our Eastern cities, a man may "call up" a friend in London or Paris or Berlin and see his smile or frown as the talk goes on. The "seven-league boots" of old fairy tales and the "wishing carpet" of the *Arabian Nights* have been outstripped by the magical inventions of this recent era.

### A NEW ERA OF BUSINESS CONSOLIDATION

The vast *expansion* of business and industry was accompanied by an even vaster *consolidation* of capital and management. The age of small individual enterprises gave way to an age of large combinations. Over all America went on one steady process: multitudes of little shops closed down, while a smaller number of big factories grew bigger; rural villages stagnated, while big cities throbbed with fresh life at their expense; fewer farmers or small-shop artisans answered the

home dinner bell, but vastly increased numbers of factory operatives obeyed the signal of a mill whistle. In the ten years between 1880 and 1890, the number of woolen mills decreased from 1,990 to 1,311, but the *output* more than doubled; or, to cover a longer space of time, between 1850 and 1910 the number of factories making farm implements shrank from 1,333 to 640, but the output (measured in dollars) multiplied nearly twenty-five fold—from six million dollars to one hundred and forty-six million. To put it in still another way—in 1850 the average manufacturer of farm implements had an investment of about \$2,500 and employed five hands, but in 1910, to rank as an average manufacturer in that line, the factory owner had to have an investment of \$400,000 and employ about a hundred hands.

So, in countless other lines. Small stores merged into department stores; small firms into large corporations; large corporations into still larger "trusts." In the East, the making of "ready-made" clothing became a mighty factory industry, and new leather-sewing machinery built up huge shoe-factories. In the West, the farmer's grain was no longer ground in a neighborhood mill on some small stream, but in great flour centers like Minneapolis, and his beeves and hogs went, not to a village slaughterhouse, but to the vast meat-packing industries of Chicago. In agriculture the same drift to large-scale production gave us the "cattle kings" and the "bonanza farmers," already mentioned.

In connection with new scientific knowledge this tendency to combination brought vast saving of wealth.<sup>7</sup> The old vil-

<sup>7</sup>On the other hand, the change from small to large organization often carried with it the cruel ruin of small "capitalists," who had owned their own "stores" or shops, and brought to naught the life-plans and hopes of whole classes of laborers. No question, it was inevitable and best that steam and machinery should bring large-scale production. But only a weak fatalism will assent to the too common proposition that all the accompanying evils, too, were "inevitable." Society, which profited so splendidly from the changes might have learned how to insure honest workers against ruin from them—just as in so many other ways we might have a far better world in brief time today, were we wisely and generously determined to have it.



*Luther Burbank* A NOVEL TYPE OF "ENGINEER,"  
WHO WORKED, NOT WITH INANI-  
MATE FORCES, BUT WITH THE CREATIVE PROCESSES THAT RULE IN  
LIVING ORGANISMS.

On an earlier page we have quoted Jefferson's saying that the greatest service a man can render a country is to add a useful plant to its cultivation. And Jefferson was thinking merely of the boon conferred by moving a heavier variety of rice from Africa to America. What then of this man, who, through his intimate familiarity with, and his skillful utilization of, the methods of nature, evolved scores of altogether new varieties of plant life to enrich and beautify the world.

Luther Burbank found his life work when working as a farm boy in Massachusetts, soon after the close of the Civil War. While hoeing potatoes one day, he noticed a certain hill where the plants were more vigorous and of a deeper green than any others in the field. In the fall he saved the tubers from that hill, and planted the best of them by themselves the next spring—selecting again in the fall the most promising tubers for seed. After four years of such seed-selection, he had developed a new variety, long famous as the Burbank potato—larger, smoother, with more resistance to plant diseases, than any potato before known.

Ten years later the young Burbank was ready to open his experimental farm at Santa Rosa, California. There for the next fifty years, up to his death in 1926, he worked continuously and joyously in creating new and beneficent kinds of vegetables, fruits, flowers, and trees, by experiments in "selective breeding"—a single experiment sometimes involving the care and examination of myriads of plants through perhaps thirty generations of plant life.

The Plant-Wizard's method is illustrated by the development of his yellow poppy. He noticed a common red poppy with a spot of yellow. From its seed he raised a plot of flowers—of which several had yellow parts. Using seed from only those, he raised a large field of poppies,—and so on, season by season, saving seed from those flowers best suited to his purpose, until he "fixed" a variety of all-yellow poppies with blooms six inches in diameter, coming true from seed.

Burbank never took time to reap riches for himself while he was adding so mightily to the world's wealth. He found a nobler reward in the high delight of sharing in beneficent creative processes.

lage slaughterhouse threw away horns and hoofs and hair and intestines: the great packing-house works up all these—"everything except the squeal"—into glue, buttons, hairbrush and tooth-brush bristles, celluloid articles, and hosts of other useful by-products. Pine stumps were found rich in turpentine, and the Southern cottonseed, formerly consigned to troublesome refuse heaps, was found highly valuable, first for fertilizing land, then for stock food, and finally for vegetable oils for human food. The American Telephone and Telegraph Company a few years ago published carefully prepared tables of the productiveness of the old order and the new, stating that one man working one day could produce (among other alternatives):

In 1871 . . . . . and . . . . .		in 1925
500 lbs.	of iron	5,000 lbs.
or 100 ft.	of lumber	750 ft.
or 5 lbs.	of nails	500 lbs.
or 20 sq. ft.	of paper	200,000 sq. ft.

Unhappily, but not unnaturally, this material growth, upsetting all old custom, was accompanied by an amazing growth of business immorality. This tendency, noticeable before the Civil War, had been strengthened by the flaunting success of corrupt army contractors. It was fostered for years afterward by the gambling spirit begotten of an unstable currency and of the spectacle of multitudes of fortunes made overnight in the oil regions and in the new mining districts. The tremendous power over credits possessed by railroad kings and by the heads of other great consolidations of capital tempted them too often from their true functions as "captains of industry" to play the part of buccaneers in the stock market. The prospect of unreasonable profits, too, corrupted the controlling stockholders in multitudes of corporations into increasing their own shares by juggling the smaller holders out of theirs.

Sometimes the controlling stockholders of a corporation turned its affairs over to an "operating company"—composed of themselves alone—which then absorbed all the profits of the whole business in salaries or in other ways that were provided in the contract which the raiders had made with themselves. Or leading members of a railway company organized an inside company—like an express company—to which then the legitimate profits of the first company were largely diverted in the shape of excessive rates on certain parts of the railroad business. (The real cost of building the Central Pacific was 58 million dollars; but the "inside" construction company that built it paid itself 120 millions for the job—out of stockholders' money.) Only one degree worse was the deliberate wrecking of a prosperous corporation by intentional mismanagement, so that the insiders might buy up the stock for a song, and then rejuvenate it—to their huge profit. Step by step, the law has striven to cope with all such forms of robbery, but numerous shrewd corporation lawyers find employment in steering "malefactors of great wealth" (to use a phrase of Theodore Roosevelt's) through the devious channels of "high finance" so as to avoid grazing the letter of the law.

One ruinous consequence of this lack of moral sense in business was a general indifference to the looting of the public domain by business interests and favored individuals. The forests on the public lands, with decent care, would have supplied all immediate wants and still have remained unimpaired for future generations. But with criminal recklessness, the people permitted a few individuals (often by gross fraud) not only to despoil the future of its due heritage, but even to engross to themselves the vast immediate profits which properly belonged to present society as a whole. And, in their haste to grasp these huge profits, the big lumbermen wasted more than they pocketed—taking only the best log perhaps out of three and leaving the others to rot, or, along with the care-

lessly scattered slashings, to feed chance fires into irresistible conflagrations, which, it is estimated, have swept away at least a fourth of our forest wealth. Quaintly enough, this piteous spoliation and waste was excused and commended as "development of natural resources," and laws were made or twisted for its encouragement.

Timber land, especially the pine forests of the Northwest, did not attract the genuine homesteader: too much labor was required to convert such lands into homes and farms, and the soil and distance from market were discouraging for agriculture. Such lands ought to have been withdrawn by the government from homestead entry. But, as the law was then administered, a man could "enter" a quarter section, clear a patch upon it, appear upon it for a night every few months, and so fulfill all legal requirements to complete title—after which he had perfect right to sell the valuable timber, which had been his only motive in the transaction. Multitudes, less scrupulous about legal formalities, sold the timber immediately after making entry, without ever "proving up" at all.

These individual operations were trivial in amount; but the big lumber kings extended their effect by hiring hundreds and thousands of "dummy" homesteaders to secure title in this way to vast tracts of forest and to turn it over, for a song, to the enterprising employer. Nor, in early years, did any one see wrong in this process. Condemnation, none too severe, was reserved for the lumbermen who took shorter cuts by forging the entries or by using the same "dummies" many times over, in open defiance of the law. In ways similar, but varied as to details, the state lands, too, became the legalized booty of private citizens.

This epidemic of waste and plunder had its golden age from 1870 to about 1890. Winston Churchill's *In a Far Country* and William Allen White's *A Certain Rich Man* are each a sort of *Pilgrim's Progress* allegory of American life in these decades, picturing its features, both good and bad, as

no mere narrative can. Some thinkers, lacking in robust faith, despaired openly of democracy; and even the courageous James Russell Lowell wrote sorrowfully of the degradation of the moral tone in America,—

I loved her old renown, her stainless fame.  
What better cause that I should loathe her shame!

On the other hand, vigorous signs of new promise were not wanting.

### THE ESTHETIC AND INTELLECTUAL REVIVAL

Perhaps the most potent influence of the Exposition of 1876 came from the collections of European art shown there. For the first time in their lives, hundreds of thousands of the American people saw lovely pictures and noble statues—and began dimly to surmise that their own surroundings, in city or village, were needlessly bleak and ugly. Soon a small but steadily growing number set out deliberately to make life in home and in community a finer and more beautiful thing. Glaring “chromos” that had cluttered the walls withdrew to the attics, to give way to a few good engravings or etchings or paintings. Domestic architecture underwent a revolution, and we began to demand beauty of plan and fitness to location in the structures that sheltered us from the weather. The movement showed even in farm-homes. Throughout the country such buildings had commonly been plain, barnlike structures that seemed to have been dropped, hit or miss, on the prairie; but now soon one came to see many a charming farm-home with soft lines and colors and comfortably spreading gables, nestling against its grove or under its hill as though it had grown out of the soil.

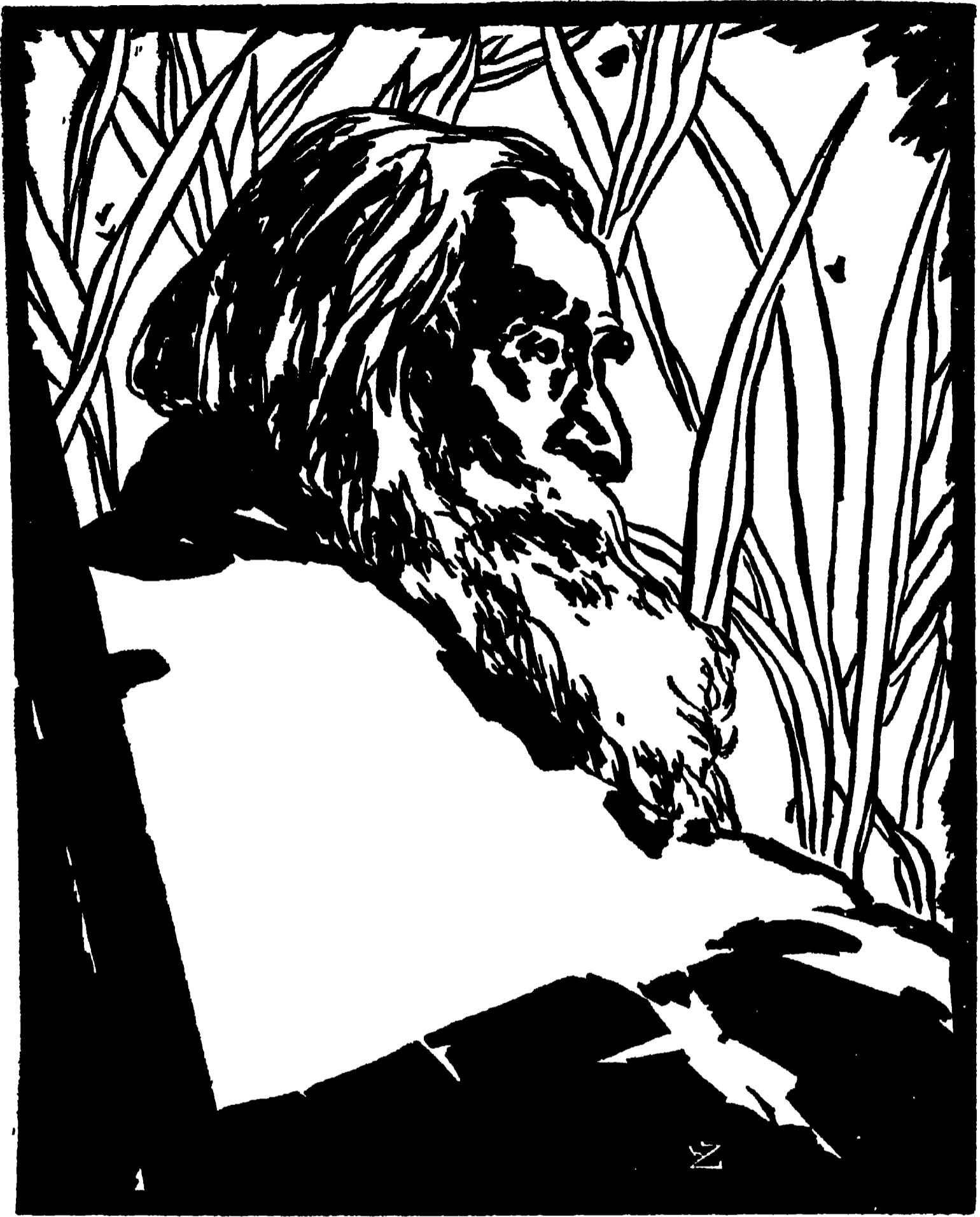
Indeed, something of this sort is the typical “frontier” farmhouse, today, even in clearings of only a few acres on the border of the retreating woods in northern Minnesota

and Wisconsin, where, twenty years ago, under like economic conditions, the farmer would have dreamed of nothing better than a log "camp." Early pioneer farmers had a stern proverb—"Many a big barn at last builds a fine house, but no fine house ever built a big barn." But today the farmer is learning to insist on housing his family as well as he does his stock—or he won't farm at all. Much of the difference, too, lies in taste rather than in money—in a new conception of what a "fine house" is.

Swiftly we are learning to add other refinements to life. American artists and sculptors no longer have to seek their living abroad. Nearly every city of any size has its art institute, public picture galleries, stately statues scattered through its parks, and a symphony orchestra providing a grade of music heard nowhere in America fifty years ago—unless during the brief visit of some European singer. Architects, landscape gardeners, interior decorators, domestic science teachers, and workers in other new trades and professions, give new grace to everyday life.



In the enjoyment of books and in producing them, America had already won a high place (page 500). Hawthorne died during the Civil War, but Longfellow, Whittier, Holmes Lowell, and Emerson, of that great New England group of the 1830's, all lived to old age and produced much of their best work in the later years; and now these shining ones had been encompassed by a multitude of other writers with new kinds of genius, representing every section of broad America—"The Land of the Wide and Charitable Air." Names now would form a wearisome catalogue. Several have been mentioned incidentally as the truest portrayers of their chosen spheres in American life, and others will have to be in their due places, because these new writers, unlike the idealistic school of the thirties, were essentially realists, with masterly power to see



*Walt Whitman*

“HAVE THE ELDER RACES  
HALTED? DO THEY DROOP

AND END THEIR LESSON, WEARIED OVER THERE BEYOND THE SEAS?  
WE TAKE UP THE TASK ETERNAL, AND THE BURDEN AND THE LESSON,  
PIONEERS, O PIONEERS!”

and picture the thing that is. But one name, above all others, challenges our attention. The nearest approach to a link between the old school and the new was Walt Whitman (1819-1892)—a robust, exuberant piece of manhood, whose *Leaves of Grass* (1855) broke the way for the “free-verse” poets of fifty years later. Preëminently, Whitman is the poet of democracy. Every line is vibrant with jubilant faith in the possibilities of the common man and the vital importance of the present moment. Apostrophizing, with unconscious condescension, the “dead poets, philosophers, priests, martyrs, artists, inventors, governments,” he acknowledges them “admirable,” but closes his chant,—

Regarding it all intently a long while—then dismissing it,  
I stand in *my* place, with my own day, *here*.

True, many people of “taste” were offended by the ruthless disregard of “decent convention” in *Leaves of Grass* and seemed to see Whitman as a burly giant stalking unclothed through a shocked and dismayed society. Even Whittier thrust his copy of the book into the fire as “unclean.” Emerson, however, refined as he was almost to the point of etherealization but with truer sense of values, sent his copy to a friend with the exultant word, “Unto us a man is born!”, while to Whitman himself he wrote, “I find it the most extraordinary piece of wit and wisdom that America has yet contributed. I am very happy in reading it, as great power always makes me happy. I give you joy of your free and brave thought. I find incomparable things, said incomparably well.”

It is well for us to exult in this literature and in its uplift of American life to new levels, but it will not do to forget that (directly, at least) it has never reached more than a small fraction of the reading public. That, on the other hand, is due mainly to the democratic enlargement of that public—to its taking in now vast elements which in other lands and times

have been intellectually submerged. None the less there is a real problem suggested for the future in the fact that for one American in the eighties who read Emerson or Whitman or even William Dean Howells' *Rise of Silas Lapham* or Mark Twain's *Connecticut Yankee at King Arthur's Court*, there were scores who turned instead for their delight in books to nothing higher than the extravagant melodrama and sentimental platitudes of Zane Grey and Harold Bell Wright. There is still need enough in American education for a Sinclair Lewis with his searching portraiture of *Main Street* and *Babbitts*.



Among the remarkable changes in American life since the Civil War, the development of the public schools holds a foremost place. As late as 1865 a very small part of the children of the nation had a chance at anything above a "common school education," closing, on the average, far below what has since come to be known as "the high school." A large part had not even that. As late as 1880, only one-fourth of the children of school age were in school. Today, three-fourths are there, and schools are better housed, better equipped, far better taught, and hold twice as long a term.

This change began to show about 1880 in a new interest in high schools—which until then had been the most neglected part of the school system. In the Western states especially, the state universities felt a great need of fitting schools to supply students. At first a "university" almost always had to have a preparatory department. But this arrangement made it hard for boys and girls in distant parts of the state to prepare for college, since they could not do so without leaving home at a very early age. The University of Michigan led the way to better things. It arranged that any high school in the state might apply to be accepted as an "accredited" school. Members of the University faculty then inspected it at intervals, and if it maintained a standard approved by the Univer-

sity, its graduates were received as Freshmen without examination.

Then in 1881 the state of Minnesota created a State High School Board, and offered state appropriations to all high schools that satisfied the requirements of that Board. In this way, the richer parts of the state were soon helping to pay for high schools in many a small town which otherwise could not have afforded one. The central Board, too, was able to induce small high schools to adopt higher standards than they would have had if left altogether to local influence. This system, or something like it, spread rapidly. It had been begun in order to create feeding schools for the universities; but very soon a higher purpose arose. High schools began to be looked upon as "the people's colleges." In 1880 in all the public high schools in the country there were only 25,000 students. Forty years later there were more than a million—most of them enjoying better opportunities than college students had before the Civil War.

It was about 1880, also, that the old "colleges" began to broaden into "universities" and to take possession in greater degree of their true field in higher education. A new group of great teachers and organizers became presidents of new or reorganized universities. Andrew D. White at Cornell, James B. Angell at Michigan, Charles W. Eliot at Harvard, Daniel Coit Gilman at Johns Hopkins, with many associates, set up higher ideals for American scholarship and connected scholarship as never before with the daily life of the people. About 1890, such institutions began to send forth trained, devoted, vigorous young men to serve the nation in its battle with corruption and entrenched privilege.

All grades of schools, too, have learned to give more attention to preparing for actual life. For instance, the rural schools (as well as many city high schools) give courses in agriculture. Boys' and girls' clubs in these schools "demonstrate" the results of their book work by raising amazing crops on small plots

of ground—in a way that often instructs their fathers. They learn to select and to test seed corn for field crops and to test milk for butter fat (so as to find out which cows in the herd are best worth keeping) and to feed cows properly for milk production. They learn the best ways of raising other stock—and they demonstrate their knowledge by exhibiting at state and county fairs prize calves, hogs, and sheep, of which they have had sole care.

Along with such changes has come another in the school environment. Farmers have learned to demand that their children have as good advantages as city children; and so the battered “little red schoolhouse” (justly enough America’s boast in earlier years) with its one plain room, its knife-scarred desks and benches (too often obscenely carved), its absence of ventilation, its one red-hot stove that broiled some of the pupils while it left others to freeze, is giving way to “consolidated” schools of two or more rooms, with suitable apartments also for cooking and manual training classes, with libraries, good lighting and heating, and proper janitor service, and with autobusses for the comfortable transportation of pupils to and from their homes. One not least important value of such a rural school building, too, is the convenient and dignified center it affords for farmers’ clubs and other neighborhood affairs—so that it makes a real contribution toward growth of community spirit.

In like manner the universities have added colleges of law and engineering and other professional schools. Fifty years ago, the young man who wanted to become a physician merely went into some older doctor’s office, where he read and studied for a while, until he succeeded in passing an examination by some local Board. Today, in the more advanced states, no one can begin to practice medicine, until, having first completed high school, he studies for at least seven years more, with all the advantages of great laboratories, learned specialists as lecturers, and considerable real hospital experience.

But in spite of our boasted "passion for education," there was still in 1920 one person out of every twelve (above ten years of age) who could neither read nor write.<sup>8</sup> To meet this condition, various forms of adult education have been developed. Evening schools in cities teach the English language and American history and government, and often give instruction in trades and in domestic science. Colleges give evening lecture courses in science, history, and literature, and send lecturers in regular circuits to give extension courses. Many courses, too, are offered by correspondence. (The Extension Department of one state university in the West gave instruction in this way in 1926 to 5,600 adults living in 624 different towns.) Public libraries, often excellent ones, are found in nearly every village, though they were still rare as late as 1880. More and more commonly, too, the village library is in the charge of a trained librarian eager to make her collections of books really useful to the people.

### PLAY AND ORGANIZED SPORT

Down to the Civil War, Americans had been a serious and busy people, with little leisure for play, and little taste for it. A little buggy-riding for young people in summer; occasional church picnics; very occasional "parties"—with dancing sometimes, if the hosts were not church members; a little sleigh-riding in winter, and skating if the ice of lake or river remained long enough uncovered by snow (no rinks, as yet, of course): this was the sum of sport for village and country life. The city had less rather than more. Even the gymnasium had not appeared, to begin its useful service.

Outdoor life and hard work kept the men of the rural dis-

<sup>8</sup> This is less than one-half the illiteracy in the United States in 1880. The fact that the number of illiterates is still so large is due in part to the large illiterate immigration between 1890 and 1920 and to the insufficient oppor-

tricts in good physical condition—fit even for the rude wrestling and other trials of strength that still marked country gatherings; but the health of American women was notoriously bad. The heroine's frequent headaches and occasional fainting spells found a regular place in cheap stories. "Delicate health" was regarded as evidence of "lady-like" refinement. When outdoors at all, the complexion was shielded scrupulously from freckles by close folds of veils. The abounding health and browned faces of the athletic English women of that day were called "coarse."

The past fifty years have seen a sweeping change in all this. The tense years of the Civil War were followed, naturally enough, by an emotional reaction and relaxation. People entered upon a new search for amusement—and incidentally the nation learned the physical and mental value of play.

Soon after 1865, yacht racing, horse racing (with regular "stables" and professional jockeys), and professional prize fighting were introduced from England, mainly to amuse the wealthy classes. Then came a professional development of a peculiarly American sport. Local baseball "nines" were found in every village and school in the sixties, with frequent "matches" between neighboring teams that had won local fame. In 1869, certain rich admirers of the game in Cincinnati organized the paid Red Stockings. For good and ill, play had become a profession. The first tour of the Red Stockings against the amateur nines of neighboring cities proved convincingly that professionalism could be met only by professionalism. In 1876 the National League was formed, with eight members; and in 1884 the United States saw its first "world series." In 1876, the American Intercollegiate Football Association was organized.

Happily, not all sports could be professionalized, or even so highly "organized." For a time the "yard" about each home in a Western village had to have its "croquet ground"—until

that sport waned somewhat in devotion to tennis, which was imported from England about 1875 (as croquet had been somewhat earlier). These games brought young women into the open air, and called convincingly for some reform in the cumbrous dress of the day. Soon these wholesome tendencies were carried still further by a craze for bicycle riding that seized the nation about 1890—to vanish later before the automobile.

Shortly before 1900, new developments in photography (and in the use of a toy previously known as “the magic lantern”) began to grow into the “moving picture.” Very soon a measureless enthusiasm for “the movies”—for good and for ill—became one of the marked features of American life.



About 1900, we began to extend our educational work in earnest to the making of better bodies as well as better minds. Schools now give the rising generation wholesome knowledge about personal and social hygiene that should help produce a more vigorous and longer-lived race. Already our manner of life as a people has changed in important respects—even in the matter of food. Down to Civil War days, Emerson, thinker and writer that he was and always in rather feeble physical condition, ate “pie” regularly for breakfast. Now, the author of the wildest of “Wild West” stories breakfasts his wonder-working hero ostentatiously on coffee and grapefruit.

This training for health is far more important than any care of bodies already diseased. But there, too, a striking advance has been made. In every large city, free clinics (connected with medical colleges or with public or endowed hospitals) offer medical service of a high order, including dental and optical care, to those unable to pay large fees. The poor man today can usually secure for his family expert medical service such as no millionaire could command fifty years ago. From

1900 to 1925 the average life of Americans was lengthened by 12 per cent.<sup>9</sup>

For this progress there are two main reasons. (1) In a way wholly new in the world, society has wisely and deliberately organized itself in both governmental and voluntary agencies to fight disease. And (2) there has been a swift advance of medical science, through life-long devotion to laboratory research on the part of thousands of noble men and women. The special causes of typhoid and tuberculosis have become well known, and these two curses of the human race are definitely on the decline in consequence. Year by year the germs that cause other dread diseases are discovered—with new hopes of sometime ridding the world of all contagious disease. (Cf. page 725f.) In 1903 Dr. Charles W. Stiles proved that the low vitality and the inefficiency of the “poor whites” in the South were due to the parasitic hookworm, introduced originally from Africa by negro slaves. Nor has the world ever seen a finer instance of social organization than that which followed throughout wide districts of the South to fight this abominable plague—a fight which has awakened hundreds of communities and hundreds of thousands of men and women to new possibilities in life.

That particular war was made more effective by the co-operation of the Rockefeller Foundation—perhaps the most famous of many great philanthropic corporations created by gifts from large fortunes, to work for human welfare. Some typical organizations of this kind require attention.

### NEW PHILANTHROPIES

In 1913 the Standard Oil magnate, John D. Rockefeller (page 753) gave a large part of his vast fortune (\$165,000,000)

<sup>9</sup> In 1900 the average “death age” was 49; in 1925 it was 55. This alone makes a huge gain in population. It is estimated, too, that in the hundred years before 1900 the average human life had already been lengthened by a third, largely because of better care for young children.

to a new corporation known as the Rockefeller Foundation. The corporation was made up of nationally known progressive business men and educators and philanthropists, and a president with the needed organizing genius was found in George E. Vincent, a brilliant young scholar and administrator, who left the presidency of a great university to accept the post. This organization, with its headquarters in New York City, uses its yearly income of some nine million dollars mainly to promote health education, especially in the line of preventive medicine. It does relatively little in setting up institutions of its own—though it does have the greatest laboratory for special medical research anywhere in the world—but it coöperates widely and wisely with all kinds of government agencies and with deserving and promising institutions already in existence. It has become a sort of world clearing-house for these lines of study, promoting “international trade in men and ideas.” For its activities are by no means limited to the United States. It is a vast international agency, which, perhaps, in the long run will do as much to bind the world in a closer unity as any political organization can. In 1926 it made appropriations for different forms of training for public health in four countries on the American continent outside the United States, and in eight Old World countries. Besides it distributed three million dollars among sixteen medical institutions located in twelve different lands. Further, it contributed about eight hundred thousand dollars to the maintenance of 842 fellowships for advanced study—about half of them in European lands, a little more than a quarter in the Americas, and the rest in the Orient. During the same year, some six hundred specialists under its auspices went from one country to another, in international interchange of health officers—the fifty-eight countries concerned in this interchange representing practically all the organized states on the globe.

A few years before the creation of the Rockefeller Foundation, another of America's money-kings, Andrew Carnegie, re-

tired from business while still hale in body and mind in order that he might give the rest of his working life to spending his wealth for the public good—hoping, as he said quaintly, to live long enough to die poor. Probably the best known of his various great benefactions relates to the spread of public libraries. It is a poor community in the United States—a community poor in ambition and uninterested in books or unwilling to help itself—which cannot point to its “Carnegie Library.”

These Carnegie and Rockefeller gifts to the world are merely outstanding instances among scores of similar benefactions, any one of which would have made a world's wonder in an earlier age. To be sure, in a perfect civilization, organized society would do these things for itself in a democratic way. It is true, too, that to use a fortune nobly does not excuse improper methods used in gathering it, and there are not wanting unsympathetic critics to point out a superficial resemblance between such benefactions and the gifts to church or abbey by which ruthless robber barons a few centuries ago thought to purchase escape from hell-fire. But when all is said, it remains beyond dispute that one of the most hopeful signs of the time is this general conviction among the masters of great wealth that they are “trustees” for the public, morally bound to use their accumulations for the welfare of society. It must be further acknowledged that in increasing degree they are learning to use such wealth in wiser ways than society as a whole, as yet, would use it.



Society, too, is beginning to grapple with these new demands, in some measure, through legislation. Mention will be made later of some national laws to promote human welfare, but, under our federal system, most “social legislation” belongs to the states. Many states have enacted child labor laws, compulsory education laws, laws to provide “juvenile courts” for

the reformation of youthful offenders (instead of leaving them to ordinary criminal courts), workmen's compensation laws and mothers' pension laws—so that a needy widowed mother will not have to seek a job in a factory but may keep up her home and care properly for her children.

Best of all, our charity is growing scientific. The twentieth century has seen the growth of a new profession, that of the trained social worker, who differs from the older charity worker somewhat as preventive health service differs from the older medical practice that consisted in the dispensing of drugs to the sick. More and more, boards of education and counties and cities employ visiting nurses and other social visitors. But most of this work in saving and avoiding human waste is still done under the auspices of volunteer organizations—known usually as “associated charities” or “family welfare societies.”

Practically every city of more than a hundred thousand people has its local organization of this kind, made up largely of representative business men trusted by the community. The society collects funds in the shape of voluntary subscriptions (usually, however, in “drives” directed by its paid “secretary”). This official must have had long and special training and must also possess, if successful, administrative ability of a high order. With the approval of the managing board, he organizes the relief and the uplift work of the city, and carries it on through his staff of trained “visitors” and “case workers,” so far as the funds that have been contributed permit. He and his force aim not so much at curing a present ill as at preventing such ills for the future. The modern truant officer is not merely a policeman to drag a truant back to the school-room: he must be a friend skilled to find out, and to remove, the causes that kept the child from wanting to attend school. The visiting nurse helps to care for the sick in her district, so far as they are not otherwise provided for, but her more important work is to teach the family of the patient how to

keep well thereafter. The welfare worker among the poor and unemployed must see first, of course, that the hungry are fed and the naked clothed, but her real business is to start the head of the needy family in a kind of work where he will no longer require charity—to study him scientifically and sympathetically, so as to be able to fit the man to a job.

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REFERENCE TABLE OF ADMINISTRATIONS AFTER 1876

	REPUBLICAN	DEMOCRATIC
1877-1881	<i>Hayes</i> { House Democratic, whole period Senate Democratic, 1879-1881	
1881-1885	<i>Garfield — Arthur</i> (House Democratic, 1883-1885, two to one)	
1885-1889	. . . . .	<i>Cleveland</i> (Senate Republican)
1889-1893	<i>Harrison</i> (House Democratic, 1891-1893, by 231 to 88)	
1893-1897	. . . . .	<i>Cleveland</i> (Senate and House Republican after 1894)
1897-1901	<i>McKinley</i>	
1901-1905	<i>McKinley—Roosevelt</i>	
1905-1909	<i>Roosevelt</i>	
1909-1913	<i>Taft</i> (House Democratic and “Insurgent” after 1910)	
1913-1917	. . . . .	<i>Wilson</i>
1917-1921	. . . . .	<i>Wilson</i> (Congress Republican after 1918)
1921-1925	<i>Harding—Coolidge</i>	
1925-1929	<i>Coolidge</i> (Balance in Congress held by Progressives)	
1929-	<i>Hoover</i>	

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## CHAPTER XXXVI

### THE POLITICAL STORY, 1876-1896

*Neither party has any clear-cut principles. . . . Both claim to have tendencies. Both certainly have war-cries, organization, interests enlisted in their support. But those interests are in the main the interests of getting and keeping the patronage of the government.*—JAMES BRYCE, in reference to the Republican and Democratic parties in the eighties.

#### CIVIL SERVICE REFORM

UNTIL the Roosevelt administration, the average respectable citizen knew little definitely about the corruption rampant in business and politics, and was usually inclined to dismiss all accusations as groundless. One evil, however, was too spectacular to be ignored, though the first efforts at remedy were feeble. In 1871, public opinion forced the unwilling Congress to pass an act to rescue the civil service from the Spoils system. President Grant's utterances had seemed to favor the idea, but in practice he let his friends among the spoilsmen thwart the law and drive from office the men who wished to administer it honestly, and in 1874, Congress refused to renew the small appropriation for the work—trusting to probable public disgust at the breakdown of the reform.

Hayes was the first President to take up in earnest the matter of Civil Service Reform. His few removals from office were mainly to get rid of spoilsmen—as when he dismissed Chester A. Arthur from the New York Collectorship of Customs—and he issued a notable “civil service order” forbidding federal employees to take part in political campaigns. (Cf. Jefferson's idea, page 407.) This order, however, quickly

became a dead letter. Post-office officials and other "practical" politicians jeered at it as the "snivel service order of Granny Hayes"; and the nation had not yet learned that no reform was possible except on the basis it laid down.

In 1880 the campaign was a struggle for office between the ins and outs to a degree unparalleled since 1824. Neither party took a stand on any live question. The Democrats railed at various Republican shames, but gave no assurance of doing better themselves. With a large part of the youth of the nation they were still discredited as "the party of disloyalty." The Republicans "pointed with pride" to their record as "the Grand Old Party that saved the Union and freed the Slave," but they had no program for the future.

President Hayes, in a trying period, had given the nation a wise and honorable administration, but (having steadfastly refused to build up a personal following through his power of patronage) he had almost no support for renomination. The Republican Convention was controlled by spoilsmen. The tradition against a third term was strong enough to defeat a desperate attempt to nominate ex-President Grant, and the nomination finally went to a dark horse—James A. Garfield. For the Vice Presidency the Convention named Chester A. Arthur (page 695), to rebuke Hayes' reform tendencies. The Massachusetts delegation presented a resolution favoring civil service reform, but it was voted down overwhelmingly—a certain Flanagan, a delegate from Texas, exclaiming in honest indignation, "What are we here for?"

During the campaign, every federal officeholder received a letter from the Republican National Committee assessing a certain percentage of his salary for the Republican campaign fund. Officials who neglected to pay these "voluntary contributions" were "reported" to the heads of their departments for discipline. The vast public service, of two hundred thousand men, was turned into a machine to insure victory to the party in control. The practice had never before been followed

up with such systematic shamelessness. (Such collections became an excuse afterwards for the officials to demand more salary—so that, as always, the people paid.)

Garfield was elected by a large electoral majority, but with only some 9,000 votes more than his opponent in the country at large. The new President found a third of his time consumed by office seekers. They “waylaid him when he ventured from the shelter of his home, and followed him even to the doors of the church where he worshipped.” Four months after his inauguration he was murdered by a crazed applicant for office.

Meantime more scandal! T. W. Brady, one of the highest officials in the postal service, had conspired with a group of contractors—including a United States Senator—to cheat the government out of half a million dollars a year. On certain “star routes,” the legal compensation for carrying mail had been increased enormously by secret agreements for pretended services, and then the surplus had been divided between the contractors and the officials.

These disclosures were followed by spectacular trials. But great newspapers freely “whitewashed” the criminals, and, through delays and technicalities (like those with which later generations are too familiar), the chief ones did finally escape punishment. However, the frauds had at least focused attention again on the necessity for civil service reform, and Arthur, who had succeeded to the Presidency, surprised the reformers by the good sense and firmness with which he supported the movement.

Still, Congress remained deaf through the session of 1881-1882; and, in the Congressional elections of 1882, another impudent assessment letter to federal officials was signed by three leading Republican statesmen. Popular indignation at these offenses made itself felt, however, in the elections. Then the next session of the chastened Congress passed the Civil

Service Act (January, 1883), providing that vacancies in certain classes of offices should be filled in future from applicants whose fitness had been tested by competitive examination, and that such appointments should be revoked afterward only "for cause." A Civil Service Commission, also, was created to oversee the workings of the law. It was left to the President to classify from time to time the offices to be protected, and President Arthur at once placed some 14,000 positions under the operation of the law. By 1920 the number of federal offices filled in this way had grown to more than 200,000.

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For nearly twenty years, James G. Blaine (page 645) had been the idol of the Republican masses, and in 1884 he at last won the nomination for the Presidency—despite earnest opposition from a large "reform" element led by veterans like Carl Schurz and Andrew D. White, and by ardent young men like Henry Cabot Lodge of Massachusetts and Theodore Roosevelt of New York. The reformers took their defeat in various ways. Lodge swallowed his chagrin and supported the ticket. Roosevelt went west, to begin his ranch life in Dakota. The greater number became "Mugwumps," and supported Grover Cleveland, the Democratic candidate.

Cleveland had attracted attention as governor of New York by his stubborn honesty and his fearless attitude toward "Tammany Hall," the great Democratic machine which usually controlled New York politics. His friends now shouted the defiant slogan, "We love him for the enemies he has made." He was elected as a reform President, with the civil service issue in the foreground.

Most Democratic politicians, however, were secretly or actively hostile to civil service reform, and the President's position was more difficult even than Jefferson's had been three generations before. In spite of the recent law, every federal official was still a Republican. The Democratic office seekers

were ravening from their quarter-century fast, and their pressure upon the head of their party for at least a share in the public service was overwhelming. With all his unquestioned sincerity and firmness, the President gave ground before this spoils spirit (in order not to disrupt his party altogether) far enough to drive many Mugwumps, in disgust, back to the Republicans. Still, the administration marks a notable advance for a non-partisan service. It definitely established the principle of Hayes' civil service order against "offensive partisanship" by officials, prevented political assessments, and doubled the "classified" list.

## THE TARIFF

When Cleveland became President, the war tariffs were still in force. By the trend of history, too, high protection had become associated in the thought of the North with the preservation of the Union and the freeing of the slave, and the special interests, thriving on protection, knew how to take shrewd advantage of this habit of thought among the people.

With dogged persistence, Cleveland strove to lead the Democratic party to take up tariff reduction. In message after message, he called attention to the dangerous piling up of the surplus from the needless revenue; to the consequent opportunities for extravagance and corruption in expenditure; and especially to the unjust burdens upon the poorer classes of society from tariff taxation. In December, 1887, his message was given up wholly to this topic, denouncing the existing tariff fiercely as "vicious" and "inequitable." During the following summer, by such argument, and by a despotic use of the President's power of "patronage," the House was spurred into passing the Mills bill, which made a moderate reduction in the tariff, lowering the average tax from 47 to 40 per cent; but even this mild measure failed in the Republican Senate.

In the "educational campaign" of 1888, for the first time for almost sixty years, the tariff was the leading issue. Blaine had replied to Cleveland's epoch-making message of 1887 by a striking interview, cabled from Paris, setting up protection as the desirable *permanent* policy. The Republican party rallied to this standard, and its platform even declared for reduction of internal taxes (on whisky), in order to remove opportunity to reduce tariff income. Orators like William McKinley represented tariff reduction as "unpatriotic" and "inspired by our foreign rivals," and defended the cheapening of alcoholic drinks by urging that "taxation is not designed as a means of grace." Even the Republicans of the Northwest, where Republican conventions in state after state had been calling for reform, were whipped into line by the plea that the tariff, if revised at all, should at least be revised "by its friends."

The debate was marked by a notable shift of ground on the part of protectionists. Clay had advocated protection for "infant industries," as a temporary policy. This argument hardly applied now that those industries had become the dominating influences in the country. Greeley, in the forties and fifties, had modified it into a plea for protection to higher wages for American workingmen compared with European laborers (page 535). This now became the general argument. It remained only to justify the higher cost of living because of the tariff and to show that the protected industries really paid higher wages in return for their tariff privileges.

The Republican manager, Matthew Quay, Senator from Pennsylvania, was a noted spoilsman, and had been publicly accused in Congress, without denial on his part, of having stolen \$260,000 from the treasury of Pennsylvania while an officer of that state. He now called on "protected" manufacturers for huge contributions to the Republican funds, and, according to general belief, spent money more freely than

ever before in buying votes in doubtful states. One scandal, made public a little later, was long remembered. A member of the Republican National Committee wrote to political lieutenants in Indiana, on which state it was thought the election would turn, "Divide the 'floaters' into blocks of five, and put a trusted man with the necessary funds in charge of each five, and make him responsible that none get away and that all vote our ticket." With the secret aid of the Democratic Tammany machine in New York, the Republicans elected Benjamin Harrison, though he had 100,000 fewer votes than Cleveland. Cleveland, however, had been stronger than his party, and the Republicans secured a safe control of Congress. For the first time in fifteen years, President, Senate, and House were of the same political complexion—and this for only two years. (Table on page 694.)

The Republican platform had promised an extension of civil service reform, but for months after the victory, the spoils system was rampant. Clarkson, the Assistant Postmaster-General, earned the title of "the Headsman," by gleefully decapitating 30,000 postmasters in the first year; and, amid the applause of the Senate, Ingalls of Kansas declared: "The purification of politics is an iridescent dream; the Decalogue and the Golden Rule have no place in a political campaign!" This attitude of prominent spoilsmen was rebuked, however, by the people in the Congressional elections of 1890, and President Harrison then appointed to the Civil Service Commission Theodore Roosevelt of New York. This fearless young reformer at once injected new energy into the administration of the law and rallied a fresh enthusiasm among the people to its support by his vigorous use of language. Hitherto, the spoilsmen had reviled the mild-mannered gentlemen of the Commission at will: Roosevelt gave back epithet for epithet, with interest—as when he affirmed that a great part of the political contributions extorted from reluctant officials was "retained by the jackals who collected it."



The Republicans called their victory of 1888 "a mandate for protection," and the McKinley Tariff of 1890 raised rates even above the Civil War standard. The committee in charge of framing the bill held "public hearings," at which any one interested might appear, to present his needs and views. In practice, this resulted in hearing at great length the pleas of the scores of great manufacturers, but hardly at all the claims of the millions of small consumers. The Binding Twine trust secured the power to tax every sheaf of the farmer's grain, by a tariff on twine, in spite of earnest but less organized opposition by the farmers of the country. "Special interests" shaped the law—as Randolph had warned the nation a century before that they would do (page 470).

A novel feature of the bill was its "reciprocity" provisions. Foreign countries, incensed at our exclusion of their products, were threatening retaliatory tariffs on American foodstuffs; and even Blaine had criticized the bill sharply, in its original form, on the ground that it failed to "open the market to another bushel of grain or another barrel of pork." Finally, it was arranged that the President might provide by treaty for the free admission of raw sugar, coffee, molasses, and hides, from any country which would admit free our products. Some treaties of this nature were afterward negotiated with Central and South American countries, but their effect was short-lived.

Manufacturers of many kinds now raised prices—even before the bill went into operation. Cannerymen explained a sharp increase in the retail price of all canned food on the ground that they had now to pay (or would soon have to pay) twice the tariff formerly paid on tin plate. The rise, indeed, reached various foodstuffs and common grades of clothing, and made the new tariff highly unpopular. The Congressional elections of 1890 witnessed a "landslide" for the Democrats, giving them

almost a three-to-one majority in the House of Representatives. All bills for tariff reduction, however, were buried, one after another, in the hold-over Republican Senate, and the public had largely lost interest in tax reduction because the Harrison administration had dissipated the treasury surplus.

Cleveland's first administration had witnessed a savage raid on the Treasury in the form of thousands of special pension bills. Many of these, it is true, applied to meritorious cases which even the generous provisions of the general law did not reach, but hundreds of others were gross frauds, which, in many cases, had already been exposed by the regular pension bureau. Cleveland vetoed 233 private pension bills<sup>1</sup> though he allowed a still larger number to become law. Now under Harrison the pension rolls were doubled by a new general law with an increase of annual expenditure for this purpose from 88 millions to 159 millions. The four years 1889-1893 also saw the yearly expenditure for the navy mount from 17 to 33 millions. The Fifty-first Congress was the first "Billion-Dollar Congress," a fact impressive in those days when no man could dream that forty years later he would see a "Nine-Billion-Dollar Congress."



The rebound against the McKinley tariff elected Cleveland again in 1892. But tariff reform was now hampered by currency questions, which had thrust themselves into the foreground (page 707f.). A Wilson bill did pass the House in form fairly satisfactory to tariff reformers. In the Senate, however, where the Democrats had even now only a bare majority, several members deserted in order to secure protection for interests which they represented, such as sugar in Louisiana

<sup>1</sup> In other respects besides the pension bills Cleveland gave a new vigor to the veto power. President Johnson, in his Reconstruction quarrel with Congress, vetoed 21 bills,—many more than any predecessor. Grant used the veto 43 times in his two terms. Up to Cleveland's accession, there had been in all only 132 Presidential vetoes. In his first term Cleveland used the power 301 times. Cf. page 516 for Jackson's vetoes.

and iron in West Virginia and Alabama. (Shortly afterward, a Congressional investigation proved the disagreeable fact, too, that various Congressmen had been speculating in stocks whose value would be affected by their votes.) The bill was amended into what President Cleveland called bluntly a measure of "party perfidy," but he felt constrained to let it become law—without his signature—as the best thing attainable. It reduced the average of the duties from 49 to 40 per cent and was accompanied by a sop to the progressives in a tax of 2 per cent on all incomes over \$4,000.

That attempt to compensate the poorer classes was at once nullified. The Supreme Court declared the income-tax provision unconstitutional—because it provided for a direct tax but did not apportion it among the states as the Constitution required for direct taxes (Art. I, sec. 2). During the Civil War, precisely such a tax had been in force, and in 1875 the Court had decided unanimously that it was constitutional. In this like case, twenty years later, the Court at first divided, four to four. Public feeling was intense. The conservative moneyed classes were represented before the Court by one of the masters of the American bar, Joseph Choate, who declared that such a tax would "scatter to the winds the very keystone of civilization—the rights of private property." On the recovery of a sick Justice, the case was heard again. The Justice before absent now voted for the tax; but Justice Shiras, who had before voted for it, now changed to the opposition, making the vote five to four against the law.

Conservatives exulted loudly. Said the *New York Sun*: "The wave of socialistic revolution has gone far, but it breaks at the foot of the ultimate bulwark set up for the protection of our liberties. Five to four, the Court stands like a rock." (!) On the other hand the stern disappointment of the reform elements was voiced by Justice Harlan in an able dissenting opinion which was marked by unusual emotion and said of the

majority decision: "It gives certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organism." (Harlan was a Republican, appointed by Hayes.) So, too, Justice Brewer (a Republican appointed by Harrison) said, "I fear that it is the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. . . . No free and enlightened people can possibly sanction or approve it." The modern verdict is expressed well by Professor Davis Rich Dewey: "Interest in the tax itself was lost sight of in the revelation of fickleness and uncertainty in the highest court of the land." It was particularly unfortunate that such "fickleness" (as in the Legal Tender cases thirty years earlier) should have operated as a protection to the wealthy classes only.

*f*

The election of 1896 was won by the Republicans on the issue of "sound money" (page 713f.), but President McKinley claimed the victory as a mandate to renew the high protection policy with which he had personally identified himself. Accordingly, a special session of Congress enacted the Dingley Tariff, raising the average rate to 57 per cent.

The law provided that, during the two years following, the President might make treaties with foreign countries, abating a fifth of the Dingley rates in return for concessions to American commerce. The Republican masses were led to look upon the exorbitant rates mainly as a club to force such reciprocity. President McKinley, from time to time, submitted seven such treaties to the Senate, but that body, with an extreme of bad faith, hearkening only to the special interests which controlled the seats or fortunes of many members, failed to ratify the treaties. As with the preceding tariff, the bargain by which high rates had been secured was broken, and again the loss fell upon the poor.

As a rule, too, those items which had been added to the bill

with a pretense of protecting the farmers proved again deceptive. A duty was placed on hides, but the advantage was monopolized by the packing houses. The cattle raiser got none of it. He had to sell, as before, to the trust at its own price. Then the trust could make the shoe manufacturer pay more for leather—and so make the cattle raiser—and every other “ultimate consumer”—pay a higher price for shoes and harness. On many kinds of goods the duties were now so high that such goods could no longer be imported. This made it easy for combinations of the manufacturers of similar goods in America to control prices and output. The years following the enactment of the Dingley tariff were just the years of most rapid development of such monopolies—so that “The tariff is the mother of the trusts” became a popular cry.

On the other hand, manufactures were tremendously stimulated. They now used most of the raw material produced in America. American mills began to forge their way into the markets of the world and to underbid English and German manufacturers in Russia, India, China, and Australia. American machinery invaded even France and England. But to do this, the American manufacturer sold his goods cheaper abroad than at home. In part, he was able to undersell the foreign manufacturer abroad because of the unreasonable profits wrung from the American consumer.

For a time the country was entranced by the appearance of “prosperity,” but gradually the idea gained ground that this was merely a “manufacturer’s prosperity,” paid for by the consumer. The cost of living rose so rapidly as to become a byword. This amounted, of course, to a savage cut in wages and in all fixed incomes, and it created a serious problem for people of small means. The cautious computations of the federal Bureau of Labor place the increase during the period 1890-1909 at 26½ per cent. Of course the tariff was only one of several factors in this rise of prices. Another factor was the

increased volume of gold—in which prices are measured. But this last factor operated all over the world—in England, presumably, as strongly as in America. The rise of prices in England, however, down to the beginning of European war in 1914, was only about a third of that in the United States.

### GREENBACKS AND FREE SILVER

For thirteen years after 1865 (throughout Reconstruction) the "Treasury notes" or "Greenbacks" (page 612); and national bank notes were practically the only money in general circulation. The government redeemed part of this "war currency" by issuing new bonds in exchange for it, but the rest of it remained below par. When Lee surrendered, a dollar in paper was worth 67 cents in gold. It rose quickly to 71 cents, and then, more slowly, to about 80 cents—and its value fluctuated about that point as Wall Street speculators forced gold up or down.

The government held some gold in its vaults, and it paid interest to the holders of its bonds in that coin. On the other hand, it required that tariff duties be paid by the importers in gold. Those duties amounted to more than the bond interest, and so the government gained a small balance each month. This would soon have drained all the remaining gold from the people except for the government's practice of selling a few million dollars of the coin each month to bankers for greenbacks (to be then withdrawn from circulation).

In the summer of 1869, two Wall Street buccaneers, Jay Gould and "Jim" Fisk, made a vicious attempt to "corner" gold. They knew that the Treasury might interfere, but they secured the favor of President Grant—by lavish entertainment and through his brother-in-law whom they had directly bribed—and induced him actually to order that the government's monthly sales of gold be stopped.

Then, on "Black Friday" in September, the conspirators drove the price of gold up to 162 (or forced a paper dollar down to 61 cents). A score of great banking houses went down in ruin, and business everywhere tottered on the verge of bankruptcy. But Grant had finally become sceptical of Gould's flimsy argument that a higher price for gold would be a good thing, and he gave the Secretary of the Treasury a free hand again. That officer, by wire, saved the business of the nation by throwing on the New York market millions of the Treasury's gold. (Gould, learning in advance of this change of policy through Grant's brother-in-law, betrayed Fisk, his fellow pirate, by unloading upon him fifty millions of gold at the top price, before it fell back to the normal 135.)

This gruesome scandal added to the unpopularity of the "gold standard" among the masses. There were other real hardships connected with the fluctuating value of "money." The man who earned fifty dollars in shop or field, or who received that amount as interest on a small loan that he had made, had to take his pay in fifty paper dollars; but the wealthy holder of a government bond, to whom fifty dollars of interest was due, received fifty gold dollars—which he could exchange for sixty or seventy dollars in paper. The whole debtor class suffered along with the working class. In war time, let us say, a farmer had mortgaged his two-thousand dollar farm for half its value, receiving \$1,000 in greenbacks (or perhaps \$500 in gold). But as paper "appreciated" after the war, approaching par, prices fell,<sup>2</sup> until the farm was worth possibly only \$1,000—and the farmer had still to pay all of that amount to wipe out the mortgage. His property was halved, or his debt doubled, by the juggling tricks of a varying currency. On the other hand, the wealthy creditor class daily grew more wealthy, because the securities they

<sup>2</sup> This paragraph, be it noted, refers to a period twenty-five years or more before the rise in prices mentioned above on page 706.

had bought with cheap money must be paid off to them in better money.

Many men who felt these abuses keenly jumped impatiently at a "remedy" that would have worked still greater injury. The Democratic platform of 1868 had called for "one currency for the plowholder and the bondholder," urging that the government should pay its interest in greenbacks—except where the bond specified gold. Soon local "Greenback" parties began to demand "fiat money" as a permanent policy. In 1876 the Greenback organization became national, with a candidate for the Presidency, and two years later, it cast a million votes.

Meantime the Republican party stood victoriously for the "resumption of specie payment." Congress provided for the accumulation of a gold reserve for that purpose, and, January 1, 1879, the Treasury announced its readiness to exchange gold for greenbacks. Paper money rose at once to par—"as good as gold"—and no one cared longer to make the exchange. A third of a billion remained in circulation, redeemable on demand.



This achievement was undoubtedly sound public policy, though incidentally it added to the tribute that the moneyed East drew from the debtor West; but it did not settle the vexing problem of how to keep enough money in circulation for the needs of business—so that the value of the dollar, measured in goods, should not change. The debtor class, and the debtor section of the country, continued to call for a larger volume of currency, and so the demand for unlimited greenbacks was followed by the almost equally unfortunate demand for "free" silver.

Until 1873, anyone could take gold or silver bars to a government mint and receive back the full value in coin. This was called "free coinage." In the early part of the century, an ounce of gold was worth sixteen ounces of silver for com-

mercial purposes; so a law ordered that the silver dollar should be sixteen times as heavy as a gold dollar. After 1850, the California output of gold cheapened that metal, and the little silver that was mined in those days could be used more profitably in the arts than at the mint. By 1870, a silver dollar was worth \$1.03 in gold. Practically all the silver dollars were melted down into bars, to sell for that profit, and for years a silver dollar was rarely seen in trade. So in 1873, Congress had ordered that the mints should cease coining them.

But in that same year new mines in Colorado and Nevada unexpectedly began to flood the market with silver. By 1876 a silver dollar of the old weight would have been worth just under 90 cents, and in 1893, less than 60 cents. The mine owners, however, were calling vociferously for the free coinage of silver at the old rate of 16 to 1. They were joined in this demand by Western farmers and by many reformers whose sympathy for the working and debtor classes outran their judgment. All these elements denounced the demonetization of silver as "the crime of '73." They believed it had been manipulated by the "money monopolists" of Wall Street deliberately, in order to shrink the volume of currency and increase the value of their wealth.

The silver men were right in part. As they said, there was not enough gold coin in circulation at that time to make a proper basis for the growing business of the country. So money was appreciating in value, and prices depreciating. Creditors profited from this condition. Debtors (like farmers with mortgages to meet) suffered. The soundest thinkers, however, saw that the remedy of the silver men would bring evils worse than the disease. A scientific monetary system remains for the future to achieve.

In 1878, Congress gave way to the demand for silver coinage far enough to provide (over the courageous veto of President Hayes) for the purchase of silver to coin into cheap dollars

at the rate of 2,000,000 a month. (In practice these dollars could not be kept up to the value of gold dollars, and the government soon began to hold them in the Treasury vaults as security upon which to issue another kind of paper money, called Silver Certificates.)

This "Bland-Allison Act" was not a party measure. It passed both the Democratic House and the Republican Senate by huge majorities, including nearly all members from west of the Alleghenies. But both Republicans and Democrats in their national platforms shirked a positive stand on unlimited coinage. So, in the West and South, there sprang up a Populist party, with a platform calling for the unlimited coinage of silver at 16 to 1, for a graduated income tax, postal savings banks, a parcel post, the "Australian ballot," direct election of United States Senators, an eight-hour day, and government ownership of railroads and of other natural monopolies. To the East all this then seemed wild-eyed anarchism—familiar as much of it has since become. But in the Presidential election of 1892, General Weaver, the Populist candidate, secured 22 electors, with more than a million votes, to about five and a half million votes cast for each of the main parties. Two years earlier, the Populist party had captured several state governments in the West and South, and elected forty Congressmen.

Then in 1890, Congress passed the "Sherman Act," ordering an increase in silver coinage. This new demand for metal by the mints did raise the value of silver somewhat for a time; but in 1893 the British government demonetized that metal in India, and its value then shrank to a lower point than ever before. Merchants in foreign countries would no longer take American silver. So gold left the country rapidly, and that which remained was hoarded.

A periodic crisis, caused once more by overinvestment on credit, seems to have been about due. It was hastened by

widespread distrust of the currency and by uncertainty as to future action by Congress. In 1893 the crash came. Creditors began to insist on payments in gold. Nearly six hundred banks closed their doors, and more than fifteen thousand firms went to the wall, with losses amounting to a third of a billion. Industry was prostrated as in no previous panic. Farmers lost their homes, and the improvements of years, on small mortgages. Cities were thronged with hundreds of thousands of unemployed and desperate men. Every large place had its free "soup kitchen," and many towns, for the first time in America, opened "relief works," to provide the starving with employment.

In this crisis President Cleveland had to increase the national debt heavily by selling bonds to maintain the essential gold reserve in the Treasury; and, in so saving the national credit, he hastened a split in his party.

The law which had brought about Resumption in 1879 had very properly made it the duty of the President to maintain a gold reserve sufficient to meet any paper money presented for redemption. Now, in a few months, nearly half the reserve was drawn out (down to 68 millions), while the panic had cut down the government's revenues so that no funds were available with which to buy gold. And when Cleveland then sold new bonds (the prescribed legal measure and the only means of preventing national bankruptcy), the banks of the country did indeed buy them with gold; but, owing to the clumsy confusion of our currency laws, they had been able, just beforehand, to draw most of that gold out of the Treasury by presenting there more of their holdings of Treasury notes. "What was poured in through the funnel was first drawn out through the bung-hole." By a quaintly vicious feature of the law, too, the Treasury notes had to be at once reissued! Thus, when the government had again to sell bonds, the same process could be repeated with the same currency—in the dizziest of

circles. To maintain a balance of a few millions of gold, the President had to sell 264 millions in bonds.

To lessen the evil, Cleveland called the great bankers into conference and pledged them to take the later issues of bonds without drawing gold from the Treasury to do it with, and he persuaded or coerced Congress into repealing the troublesome Silver Acts. But suspicious radical Democrats now accused him loudly of having granted the money power unreasonable privileges (in those secret interviews) and, indeed, of having acted throughout only in its interest.

Cleveland was a plodding, patient man, of rugged honesty, and, for his day, he was a progressive statesman, deserving of more recognition from radical reformers than he received. In his final message to Congress, he warned the nation that great fortunes were no longer the result solely of sturdy industry and enlightened foresight, but largely of the "discriminating favor of the government" and of "undue exactions from the masses of our people." After leaving the Presidency, his services as a lawyer were sought by great corporations, but he always refused their retainers. No other President from Lincoln to Roosevelt did so much to arouse a progressive movement in this nation. Few public men have given so little care to the effect of their public acts upon their own advancement. It was a happy thought of James Russell Lowell to greet him, at a later gathering in his honor at Harvard, in the words of the Roman Horace, as

The just man, holding firm his purpose  
Against the evil bidding of the crowd.



The Democratic National Convention of 1896 afforded a dramatic scene. It was dominated by "silver men," and William Jennings Bryan, a young man from Nebraska, hardly known in the East, swept the great assembly by his impas-

sioned oratory. The contest between silver and gold he pictured as a struggle of wealth against industry. The gold men had made much of what they called the business interests. But, said Bryan, "the farmer who goes forth in the morning and toils all day, and, by applying brain and muscle to natural resources, creates wealth, is as much a business man as is the man who goes upon the Board of Trade and bets on the price of grain." Turning to the "gold" delegates, he exclaimed, "You shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon this cross of gold."

With tremendous enthusiasm, the Convention declared, two to one, for the "unlimited coinage of both silver and gold at the ratio of sixteen to one," and nominated Bryan for the presidency. To men of conservative tendencies and associations, the new leader seemed a demagogue. The Democratic *Louisville Courier-Journal* denounced him as a "dishonest dodger," a "daring adventurer," a "political faker," and the *New York Tribune* reviled him as "a willing puppet in the blood-imbrued hands of revolutionists,—apt at lies and forgeries and blasphemies, the rival of Benedict Arnold and Jefferson Davis in treason to the Republic!"

A strong faction of the Democratic party took the name of "Gold Democrats" and nominated a ticket of their own. The Republicans nominated William McKinley on a "sound money" platform. The Democratic campaign was hampered by lack of money, but the most was made of Bryan's oratory. In our previous history, presidential candidates had not thought it dignified to take active part in campaigning, but Bryan traveled eighteen thousand miles and spoke to vast numbers of people. The Republican campaign was managed by Senator "Mark" Hanna, a typical representative of "Big Business"—a virile and likeable character who honestly believed that the government ought to be "an adjunct of business" and who, his admirers confessed, got what he went after

in politics without scrupulous regard to means. Hanna himself contributed \$100,000 in cash (McKinley being a close and highly admired personal friend), and, by relentless pressure, he "fried out" huge sums from the large corporations—a quarter of a million, for instance, from the Standard Oil, while every national bank was "assessed" one half of one per cent on its capital stock—so that the party coffers were supplied lavishly. Workingmen were intimidated by posted notices from their employers that the factory would close if the Democrats won, and many large business concerns placed their orders with manufacturers for the next season's supplies with a provision for cancellation if Bryan were elected.

The country was closely divided—Bryan receiving 47 per cent of the total vote—and the skillfully manufactured fear of business catastrophe was undoubtedly a chief factor in the narrow Republican victory. Meanwhile, as Cleveland had committed the Democratic party to tariff reform, so Bryan had committed it for a time to the cause of the masses against the "special interests" and "privileged capital." Failing to make him out a villain, the conservative press tried now to take him as a jest, but ere long all men had to recognize that he had become a new force in American life.

A favorite charge by the Republicans in the campaign had been that Bryan and his supporters were "treasonably" attacking the Supreme Court! The Democratic platform did *criticize* the Income Tax decision of the preceding year—though in far less vehement terms than had been used by the dissenting *Republican* Justices (page 705)—and it expressed hope of getting that decision reversed, much as the Republicans of thirty-six years earlier had expressed themselves regarding the Dred Scott decision. Sixteen years later, the Sixteenth Amendment did make income taxes constitutional.

And now came an interruption to normal development—the Spanish War and the resulting question of imperialism.

## CHAPTER XXXVII

### A WORLD POWER

*The United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition.*—RICHARD OLNEY, Secretary of State, in 1895.

*The famous Monroe Doctrine . . . has revealed itself gradually as the right of North Americans to intervene in our affairs.*  
—INGENIEROS, an Argentine publicist, in 1922.

ABOUT 1890, growing commercial interests began to impel the United States toward a more aggressive foreign policy. Three notable illustrations of that fact preceded the war with Spain.

1. In Harrison's administration the energetic Blaine was Secretary of State. A cardinal point in his policy was to extend the influence of the United States over Spanish America. In 1889 he brought together at Washington a Pan-American Congress which somewhat furthered commercial reciprocity (page 702) and expressed a desire for standing treaties of arbitration between all American nations. It did actually create also a permanent Bureau of American Republics, maintained by twenty-one countries, with its offices in Washington in the beautiful building given for the purpose by Andrew Carnegie.

2. For fifty years, the United States had held close relations with Hawaii, which had been a convenient stopping place for our vessels ever since the clipper ship trade with China began. The islands had accepted Christianity from American missionaries, and American planters and merchants were the chief element in a considerable white population. American capital, too, was heavily interested in sugar raising in the islands.

The native government, under the influence of English and American ideas, had been brought to the form of a constitutional monarchy. In January, 1893, a revolution deposed the native queen and set up a provisional republic. The leading spirits of the new government were Americans, and they asked for annexation to the United States. The United States minister to the old government ran up the United States flag, virtually declared a protectorate, and secured a force of marines from an American vessel in the harbor to overawe the natives.

In his remaining weeks of office, President Harrison tried, in vain, to hurry through a treaty of annexation. Cleveland, on his accession, withdrew the treaty from the Senate and sent a special commissioner to the islands to investigate. The report revealed the revolution as a conspiracy, in which the American minister had taken a leading part to overthrow the government to which he was accredited. The provisional republic, it was shown, also, was supported by only a small fraction of the population. Cleveland attempted to undo what he called this "flagrant wrong" to a weak state. Despite the violent outcry of opposition papers, he "hailed down the American flag." Skillfully intrenched in possession by this time, however, the republican government in the islands maintained itself, unstably, against the native dynasty, and was finally "recognized" by the nations of the world.

3. For half a century, an obscure dispute had dragged along as to the boundary between Venezuela and British Guiana. In the eighties gold was discovered, and English miners began to crowd into the disputed wilderness. By 1895, the quarrel was acute. The English government made it clear to Venezuela that it intended to occupy the territory. Venezuela had already appealed to the United States for protection; and now our government insisted vigorously that England submit the matter to arbitration. Lord Salisbury, the English prime minister, declined. Then President Cleveland electrified the world by a message to Congress (December 17, 1895), recom-

mending the creation of an American commission to determine the true boundary, and pointing out that war must follow if England should refuse to accept its award. Then England awoke to the fact that a serious quarrel was in progress. People, press, and public men made clear a warm friendship for the United States wholly unsuspected by the mass of untravelled Americans (obsessed till then by ancient traditions of British enmity), and it was immediately evident that even the irritating tone of American "shirt-sleeves" diplomacy could not arouse a war feeling. War with the United States on such an issue, said Lord Rosebery, the Liberal leader, "would be the greatest crime on record"; and the Conservative leader, Mr. Balfour, added that such a contest would be invested "with the unnatural horrors of civil war." The ministry now offered to accept arbitration, suggesting, however, an international commission, in place of one appointed by our government alone, and the matter was so arranged. The commission reported in 1899, favoring the English contention for the most part. The gain to mankind from the whole incident became plain a few years later (1901) when a similar boundary dispute broke out between that same British province and Brazil, its neighbor on the other side. This time both parties turned to arbitration as a matter of course.

Meantime, the English ministry had proposed to the United States a standing treaty for arbitration of future disputes between the two countries. The treaty was strongly urged upon the Senate by President Cleveland and later by President McKinley. But the Senate, now in a period of degradation, preferred to play politics, and refused to ratify this proposal for an advance in world peace.

No government had ever before suggested that kind of machinery for peace. The first treaty of the sort actually put in force was adopted two years later (June, 1903) between Argentina and Chile; but by that time others were under consideration. (Cf. page 736.)

Then came the Spanish-American War. After 1824, only Cuba and Porto Rico were left to Spain of her once wide-lying American empire. In Cuba, revolt was chronic. Taxation was exorbitant; trade was shackled, in Spanish interests; and the natives were despised by Spanish officials. In 1895 the island was once more ablaze with revolt—organized in great measure by a Cuban Junta in the United States and aided materially by filibustering expeditions from American ports. On both sides the war was barbarous. In particular, the cruel policy of the Spanish commander, Weyler, caused deadly suffering to women and children, gathered into *reconcentrado* camps without proper care or food. The “Gem of the Antilles” was rapidly turning to a desert and a graveyard.

American capitalists had large interests in the sugar industry in the island, and used powerful influences, open and secret, to secure American intervention, with a view to subsequent annexation by Congress. Such forces played skillfully upon the sympathies of the American people and on our habitual inclination (up to that time) to aid any movement on this continent for political independence. In 1897 the country was seething with discontent at the continuance of Spanish rule in Cuba, and Congress was eager for war; but for some months more President McKinley held such impulses in check while he tried negotiation.

A new Spanish ministry, led by the Liberal Sagasta, did recall Weyler, placed the war upon a “civilized” footing, and offered the Cubans generous concessions; but a new situation hurried America into the war. February 15, 1898, the American battleship *Maine*, visiting in Havana harbor, was blown up, with the loss of 260 of her men. The explosion may have come from a submarine mine operated by Cubans to produce the results which followed, or the mine may possibly have been operated by a few Spanish officers. No one now seriously be-

lieves that the Spanish government was responsible. At the moment, however, this was the almost universal assumption; and a vengeful cry for blood—"Remember the *Maine*"—reinforced irresistibly the previous call for American interference.

The Spanish government asked earnestly for investigation and arbitration, to fix responsibility for the explosion. When we refused this, it continued to hold a conciliatory tone toward us. On April 8, our minister at Madrid cabled President McKinley that a little more delay would secure all our demands—even including Cuban independence. But McKinley (by some process not wholly clear) had now decided for war. April 11 he referred the matter to Congress in a war message. Congress gave a solemn pledge that the United States would not hold Cuba for herself—and American forces expelled Spain from the Western hemisphere.

A picturesque feature of the brief four months' struggle was the dashing career of the "Rough Riders." Officially, this force was the "First Volunteer Regiment of Cavalry." It was raised by Theodore Roosevelt, largely from his old associates among ranchers and cowboys in the West, with a sprinkling of Eastern football stars. Roosevelt resigned as Assistant Secretary of the Navy to become Lieutenant-Colonel of this regiment. The decisive land-battle of the war was fought stubbornly along the paths of a tropical jungle near the city of Santiago, July 1, 2, and 3. Roosevelt marched his troops all night, June 30, to be in at the fight, and led them gallantly in "the soldiers' charge" up San Juan Hill into the Spanish intrenchments. The fame of "the Colonel" from these achievements, duly "featured" by the newspaper men with the troops, was soon to give a new turn to American politics—not the least of the results of the war.

San Juan made it impossible for the Spaniards to hold the harbor of Santiago. They had collected a strong fleet there, to threaten the seacoast cities of America, but it had been

at once blockaded by a stronger American squadron. To avoid capture by our land army, it now put to sea and scattered in flight. In the four hours' running fight that followed, every Spanish vessel was sunk or driven a blackened wreck on the shore, every man dead or captive, while no American vessel was injured and only one sailor was killed.

At the outbreak of the war, unfriendly German and French naval authorities had not hesitated to express their conviction (and apparently their hope) that the Spanish fleet would quickly drive the American from the sea. But even before this battle of Santiago, in a still more famous struggle the American navy had proven its superiority in sailing and in gunnery. When war was declared, Commodore George Dewey was in command of a small squadron on the coast of China. He sailed at once for the Philippines, then a Spanish possession, and, on May 1, entered Manila Bay over mine-strewn waters, destroyed or captured the Spanish fleet under the guns of the land fortress, and, in coöperation with native insurgents, began the siege of the city.

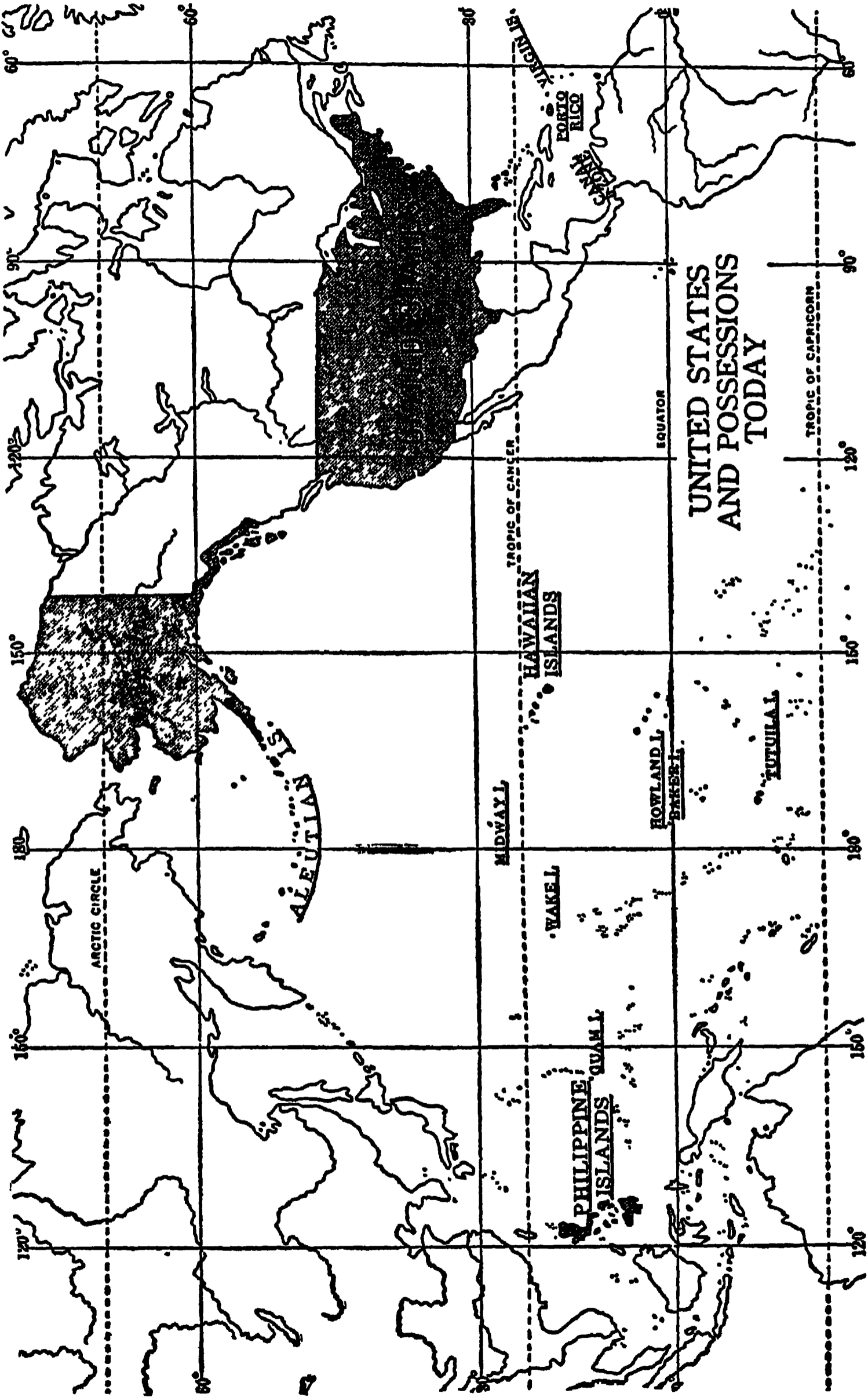
The blockade of Manila had its own spectacular incidents. Soon after Dewey's naval victory, European men-of-war began to gather in the harbor—among them, three English ships and a strong German squadron. Germany had shown much sympathy for Spain, and the German commander at Manila, Admiral von Diedrichs, now acted toward the Americans in a most disagreeable and irritating manner. He repeatedly disregarded the American patrol regulations, and finally landed supplies for the Spaniards in flat opposition to the American blockade. This brought a crisis. Dewey sent him a brusque protest, adding as the messenger was setting out, "And say to Admiral von Diedrichs that if he wants a fight, he can have it now." In a rage, von Diedrichs hurried to Captain Chichester, the commander of the English ships, and asked that officer bluntly whether he had instructions as to what to do if a conflict took place between the Germans and Americans.

"I have," replied the Briton. "May I ask what they are?" insisted the German. "Ah," drawled Chichester, "only two persons here know that—myself and Commodore Dewey." Thereafter von Diedrichs was better mannered.

From the opening of the war, it is now known, Germany wished Europe to interfere upon the side of Spain, and she was kept from active hostility mainly by the pronounced friendliness of the English government for America. And this friendly English feeling was characteristic of all classes in that country. American visitors in England during the war wrote home, often with amazement, that at entertainment halls a picture of an American ship or an American officer always brought the audience to its feet in cheers, while Spanish pictures were signals for jeering and catcalls.

In the treaty of peace, Spain left Cuba free, and ceded to the United States Porto Rico, Guam (in the Ladrones), and the Philippines, accepting \$20,000,000 in compensation for the last. Other territorial expansion, too, came as a result of the war. In 1897, President McKinley had revived the treaty to annex Hawaii. The necessary two-thirds vote in the Senate could not be secured, but, after the opening of the Spanish War, Congress annexed the Hawaiian Islands by a joint resolution—as Texas had been acquired many years before. About the same time, several small islands in the Pacific, not claimed by any civilized power, were seized for naval and telegraph stations, and, in rearrangements at Samoa, due to native insurrections and to conflicting claims by England, Germany, and the United States, this country secured Tutuila, the most important island in that group.

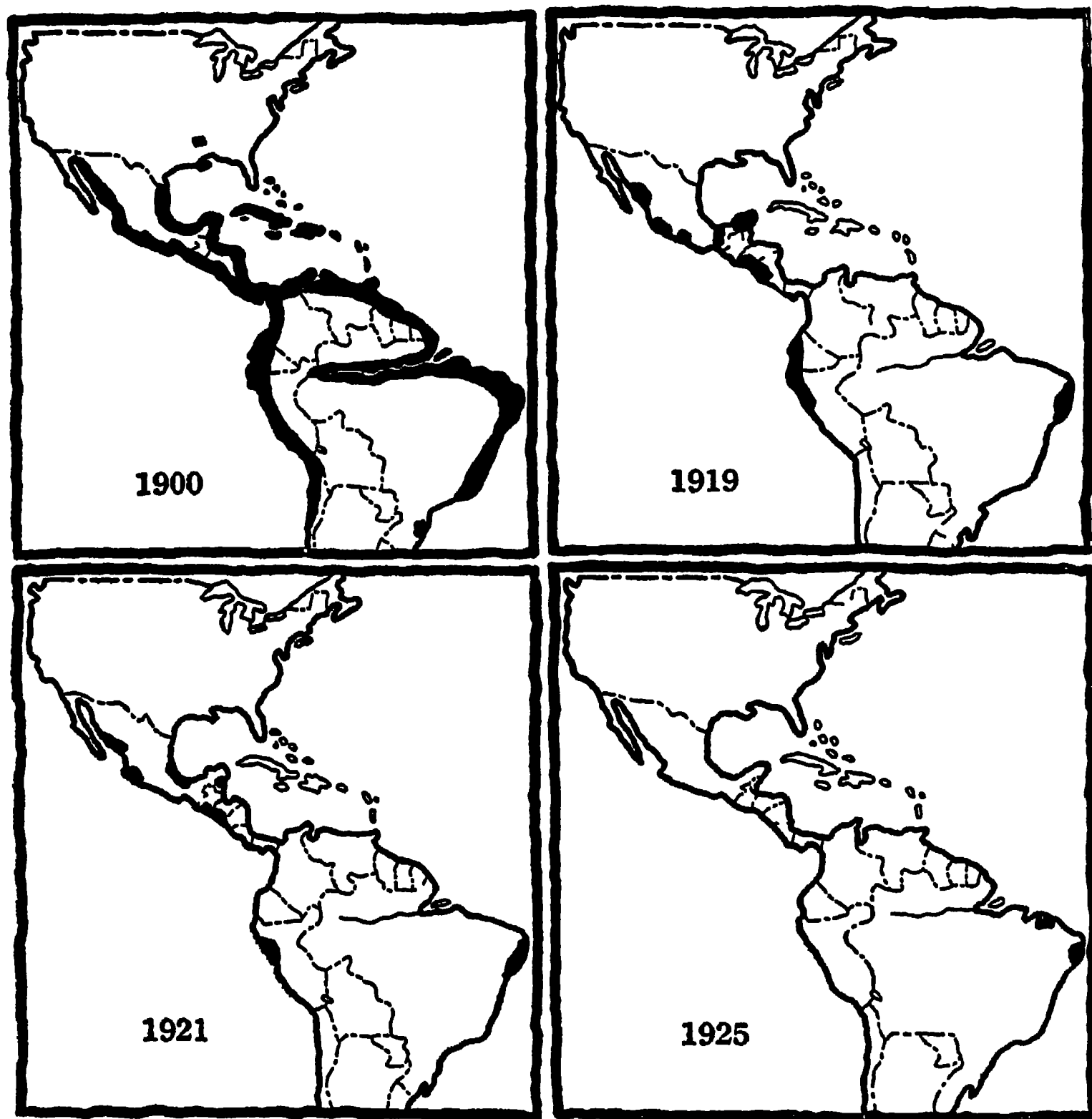
In 1900, Hawaii was organized as a "Territory" on much the usual self-governing plan. Porto Rico, with its civilized but unfriendly Spanish population, presented a difficult problem. At present, the government contains a representative



element, but real control rests in officials appointed by the United States.

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On the whole, the American pledge to leave Cuba independent was honorably kept, though the Cuban constitutional



The Quarter-Century War to Extirpate Yellow Fever from America

convention (of 1902) was required to consent that the United States might hold points on the coast for naval stations and should have the right to interfere, if necessary, to save the island from foreign encroachment or domestic convulsion.

Preceding the establishment of the Cuban Republic by this convention, there had been a necessary three-year occupation<sup>1</sup> by American troops under General Leonard Wood. This military government brought great blessings to the island. It established order, relieved immediate suffering, organized a permanent and noble system of hospitals and schools, built roads, cleaned up cities, and created adequate water supplies.

Cuba had always been cursed by yellow fever and malaria. During that beneficent sanitary work in the island, a group of American army physicians exposed their lives day after day to contagion in order to discover the cause of yellow fever. One of the heroic band, Dr. Jesse W. Lazear, gave his life in that trying struggle. The investigators did definitely prove true the theory which one of their number, Major Walter Reed, had accepted from a resident Spanish physician that the infection was carried by the bite of a certain species of mosquito. Then the disease was quickly controlled in the long pest-ridden island by cleaning up the breeding places of the insects. When the American troops left Havana, that city was free from yellow fever for the first time in 140 years.

This success was merely the beginning of the war upon that dread disease. A few years later, Dr. William C. Gorgas (who had had charge of the cleaning-up campaign in Cuba) made possible our building the Panama Canal (page 734) by eradicating from the Canal Zone the yellow fever and malaria that had brought ruin to earlier French attempts there. These spectacular victories for the human race drew the admiring attention of the world, and the governments of Central and South America at once entered upon a like work for their infested countries. This called for a perfectly organized campaign of health education over a large part of the surface of the earth and for abundance of medical workers with high

<sup>1</sup> Since that withdrawal, American troops have been landed in Cuba in 1906 (for another three-year occupation), in 1912, and in 1917.

skill. These necessary things have been furnished mainly by the Rockefeller Foundation (page 691), which took the huge but beneficent task upon itself in 1916 (in coöperation with the interested governments), according to plans worked out by General Gorgas. In 1925, all America reported only three cases of yellow fever, all upon the Brazilian coast. Two years later, there was not one case in the Western hemisphere, and the Rockefeller Foundation had begun to carry its work into the only remaining infested spot on the globe—the West coast of Africa. It gives one a strange sensation to recall that during the Presidency of George Washington yellow fever spread its ravages as far north as Philadelphia, driving that staid metropolis, on at least one occasion, into orgies of fear comparable with those that George Eliot's *Romola* pictures for plague-stricken medieval Florence.

f

The Philippines contain 115,000 square miles, broken into a thousand islands. Two-thirds of these are too small for habitation, and half the total area is comprised in two islands. The eight million inhabitants range from primitive savagery, of the poisoned-arrow stage, to civilization, and speak a score of different tongues and dialects. Five-sevenths of the whole number are Catholics; the stalwart Moros are Mohammedan; the "wild" half million are divided among primitive superstitions. The centuries of Spanish rule have left much Spanish blood, mixed with native, in the more civilized districts, and commercial interests account for a considerable European population at Manila and some other ports.

In 1896, the islanders had attempted one of their many risings against Spanish rule. The Spanish government brought it to a close by promising reforms and paying the leader, Aguinaldo, to leave the islands. The reforms were not carried out, and only a part of the promised money was paid; and when Dewey was about to attack the Spanish in the islands,

he invited Aguinaldo to return with him from China, in order to organize a native insurrection to coöperate with the American invasion. The insurgents hailed the Americans as deliverers, and took an active part in the siege and capture of Manila. Soon, however, the American commanders received instructions from Washington not to treat the islanders as allies, but to assert American sovereignty over them. This led to war.

After two years of regular campaigns against 50,000 American troops, the natives took to guerrilla warfare—in which their ferocious barbarities were sometimes imitated all too successfully by the Americans. In 1902 the United States declared the "rebellion" subdued—but possession of those islands at once brought America new problems almost as serious as war.

It was only after much hesitation that President McKinley's administration had decided to hold the Philippines as a dependency. The policy was at once attacked vehemently by the Democrats, and by many ~~progressive~~ thinkers outside that party, as Imperialism. These Anti-imperialists urged that such a policy not only involved bad faith with the Filipinos but that it also contravened the fundamental principles of the Declaration of Independence and that it must divert energy from our domestic problems.<sup>2</sup>

On the other hand, the Imperialists, or "Expansionists," insisted that the United States could no longer shirk responsi-

<sup>2</sup> Congress refused to recognize the Filipinos as citizens of the United States, and even refused to include the islands within the customs boundary of the United States. Our sugar trust and other protected interests demanded that the tariff on Philippine sugar, tobacco, and some other products be continued. In the main, Congress complied. The islanders had expected a free American market as one of the compensations for the lack of independence, and they regarded this policy as gross injustice, savoring of Spanish methods. The Supreme Court, however, by a series of decisions—usually by a five-to-four vote—upheld the authority of Congress to rule these dependencies at will, since they "belong to" but are not "part of" the United States. Cf. page 421.

bilities as a world power. The Filipinos, they said, were not fit for self-government; American sentiment would not tolerate returning them to Spain; and Dewey's conquest left America answerable not only for the Philippines themselves, but, more immediately, for European and American settlers and interests at Manila. These forces for expansion were reinforced by commercial greed and gross pride of power.

Imperialism was a leading issue in the campaign of 1900; but Mr. Bryan, once more the Democratic candidate, complicated the matter by forcing into the Democratic platform a declaration for the dying "16 to 1" cause. Again the reform forces were divided. Some radicals believed in "expansion," and others, fearing "imperialism," feared free silver more. Hanna, again the Republican manager, made skillful use of returned prosperity under Republican rule, appealing to workmen with the campaign emblem of "the full dinner-pail." McKinley was reëlected, with Theodore Roosevelt as Vice President.

"Free silver" passed out of politics after this campaign. In 1890 gold was discovered in Alaska, and soon that wild country was pouring a yellow flood into the mints of the world—as new mines in South Africa had begun to do a little earlier still. At almost the same time, too, a chemist invented the "cyanide process," which made it possible to extract much more gold than formerly from a given amount of ore. Between 1898 and 1904, three quarters of a billion of gold money was coined in the United States, and twice as much was being produced each year as had been the case ten years earlier. The debtor class could no longer claim that the value of gold was appreciating.

Imperialism too, for some years, seemed to have ceased to be a burning question. At first, the Philippines were ruled by a Governor-General and a Commission. These American officials gradually introduced a limited local self-government for

the more civilized districts, and in 1907 a small electorate of natives was permitted by Congress to choose a lower House of a Philippine Assembly with slight legislative power. In 1913, President Wilson greatly extended the appointment of natives to responsible positions, and the Philippine Government bill of 1916 placed the islands very nearly in the position of a "Territory." The Governor and Vice Governor were still to be Americans; all other officials might be Filipinos; the electorate was extended some four-fold; the upper House of the Assembly was made elective like the lower; and the Assembly was given control of all internal legislation, subject to veto by the President of the United States. The absurd tariff discriminations were practically removed.

When the Republicans came back to power, in 1921, General Leonard Wood became Governor in the Philippines, and it was soon clear that the Republican policy leaned toward retaining the islands, in spite of a growing demand in both houses of the Philippine Assembly for complete independence. Sharp clashes followed on several occasions between Governor and Assembly, and the veto power was used freely to maintain American authority. The Democratic platform in the 1928 campaign declared concisely for immediate Filipino independence, but the decisive Republican victory probably means a long continuance of the present relation.

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The first fruit of the new place of America as a world power was the preservation of China. England had long held certain ports in that country, and within a few years Germany, France, and Russia had begun rapidly to seize province after province. In 1899, McKinley's Secretary of State, John Hay, sent a note to all powers interested in China urging them to agree that no power should shut out the citizens of other countries from its "sphere of influence" there. This "open door" policy, though disliked by Russia and Germany, already had the sup-

port of England, and it pleased also the small commercial countries. America favored it, in great measure, it is true, in order to prevent the exclusion of her trade from rich Oriental provinces, but that "enlightened selfishness" fell in happily with the interests of civilization and humanity. The forceful statement of the American position just at that time had much to do with preventing the threatened dismemberment of China. After the Boxer Rising in China in 1900, some of the European powers seemed again about to take up their old policy of seizing "territorial indemnities," but a strong protest from Hay induced them to accept money indemnities instead.

Theodore Roosevelt was the next force in our foreign policy. While Hay was still engaged in his correspondence with European powers regarding China, a crazed anarchist murdered William McKinley, and that suave and cautious President was succeeded by the impetuous and aggressive Roosevelt from the Vice Presidency. Hay remained Secretary of State. In 1904, at the opening of the war in the Orient between Russia and Japan, he obtained pledges from both countries to respect the neutrality of China; and the next year Roosevelt intervened to bring about peace.

The main foreign problems of the Roosevelt administration had to do with the states within or bordering upon the Caribbean Sea. Those Spanish-American countries still need capital for their development. Sometimes they have invited it by granting foreigners valuable franchises and "concessions." Sometimes, too, a corrupt government has sold such "concessions" for far less than their value—to fill its private pockets. All such grants, corrupt or legitimate, are likely to be resented by the native population and are sometimes revoked by succeeding governments, especially after one of the revolutions which so often take the place of elections there. In this, and in many other ways, foreigners acquire claims which the states are unwilling or unable to pay. The United States took the

ground early that the use of national force to recover such claims for a private citizen is improper, and that in any case such force must never result in the seizure of territory on this continent by a European power.

In 1902, ten European countries had claims aggregating 38 million dollars against Venezuela. Venezuela brazenly defied the claimants. Finally Germany, Italy, and England began a blockade of Venezuela ports. Venezuela then offered to submit the matter to arbitration, and two of the European powers withdrew their fleets. Germany persisted in the blockade, with the evident intention of securing a naval station on the coast. Roosevelt secretly and courteously urged arbitration upon the Kaiser. After waiting a week without receiving any reply, he sent Dewey's fleet to the Caribbean and gave the Kaiser forty-eight hours to withdraw. Germany then promptly declared her willingness to accept arbitration—and, with grim humor, Roosevelt allowed the world to suppose that that suggestion had originated with the Kaiser. (The real story was not known to the public until some fifteen years later.) Investigation before the Hague Court then cut the padded claims down to less than eight millions—about one-fifth the original demands—and, under pressure from Roosevelt, Venezuela set aside certain revenues to pay this amount.



Roosevelt's conduct in this matter, it has been said, created a "New Monroe Doctrine." Europeans had long expressed the opinion that if the Monroe Doctrine made us the protector of semi-anarchic communities against just claims, then we must ourselves see that such debts were paid. Roosevelt assented to this. He took the ground, in this dispute, that if "chronic wrong-doing" or "impotence" in any American country called for intervention, then it would become necessary for the United States to "exercise an international police power."

In 1904-1905, Roosevelt went a step farther. The Republic

of Santo Domingo was bankrupt, and France, Belgium, and Italy threatened united action to seize its ports in order to collect its revenues. To head off such European intervention, Roosevelt made the United States the "receiver" for that country. He secured the consent of the Santo Domingo government for him to place a United States agent in control of its finances (backed by the necessary force of marines), with authority to use 55 per cent of the income in paying off the old debts. (Our Senate refused to ratify this arrangement, but, characteristically, the President put it in force anyway by executive order, and three years later the approval of the Senate was won.) Under the efficient and honest management of the American financial expert, the debts were soon paid, and Santo Domingo reaped vastly greater good at the same time—in roads, schools, and sanitation—from the other 45 per cent of its taxes than ever before from all of them. Taxes, indeed, were soon materially reduced.

These benefits, however, did not appease all the islanders for the loss of their independence, and in 1916 a rebellion broke out. The rising was put down, at President Wilson's order, by American marines. (Our government reported that in 1919 nearly two thousand natives were killed by our troops.) The American Army remained in occupation then for eight years more, and was withdrawn by President Coolidge only when the reluctant Dominican government had at last ratified all the acts of our military rule during the occupation and had arranged to continue American financial control. That is, under the continuous policy of Presidents so unlike in most matters as Roosevelt, Taft, Wilson, Harding, and Coolidge, Santo Domingo had become virtually a United States "protectorate."

In somewhat like fashion, in 1912, President Taft put an American official in charge of the Nicaraguan customs, with United States marines to support his authority. Two years later, President Wilson secured naval bases on the coast of

that country. In 1916, by military pressure, Wilson forced the Republic of Haiti, also, to agree to a treaty recognizing the United States' control over its finances. The same year saw the purchase of the Virgin Islands from Denmark. These various acquisitions, together with our gains in the Spanish War and with our control of the Panama Canal (next to be discussed), tend to make the Caribbean a United States lake.

American trade has benefited enormously from our new relations with the Caribbean lands, and large amounts of American capital have found highly profitable investment in those countries of undeveloped riches. In Haiti, for instance, large American banks have found it worth while to buy up foreign debts and then use American military control to collect them.

A curious and instructive fact about all this is that the United States has been made "Lord of the Caribbean" without the American people's knowing much of anything about it—except as the rising generation begin now to read of it in their textbooks.

A second consideration is that our military forces, during their various "occupations," seem to have indulged in some regrettable acts of cruelty or at least of severity, toward discontented and "rebellious" natives—of which the average American knows little more than the average British or French citizen knows of similar abuses by English or French "imperialism" in India or Syria.

A third consideration concerns the feeling aroused in other Spanish-American states. Rightly or wrongly, small states, like Costa Rica, began to fear us, dreading the fate they have seen befall Haiti. Intense dislike and distrust for the United States increased, too, in the larger states, such even as Argentina. Many intelligent Spanish-Americans came to believe that the United States deliberately intends to seize or absorb

Mexico—already shut in on three sides by United States authority.



The original incitement to our Caribbean policy was undoubtedly the desire of our government to make safe from hostile attack our new Panama Canal. High among Roosevelt's achievements ranks his work in insuring the building of that "big ditch." In 1881, a French Panama Canal company began work at the Isthmus, but eight years later the project came to an ignoble and tragic end in financial scandal and in frightful loss of life among employees from tropical jungle diseases—with little to show for the quarter billion of dollars expended. Secretary Blaine (page 716) was earnestly desirous then that the United States should take up the work, but the Clayton-Bulwer treaty (page 587) stood in the way—and Blaine's jingo attitude toward England was not calculated to induce that country to turn over its rights in the matter. Ten years later, the Spanish-American War brought the subject to the front again—when the American battleship, *Oregon*, much needed to reinforce the Atlantic squadron, had to circle the Horn to reach Cuban waters. The American people awoke to the need of an interoceanic canal under American control; and the cordial attitude of England during the war made it easy now (in the new Hay-Pauncefote Treaty) to get her to waive her previous treaty rights. Then, in 1902, the United States bought up the rights of the French company.

The government still declined to start building the canal until it had secured sovereignty over a considerable strip of territory, so as to be able to fortify and police the route effectively. Panama was then a state of the federal Colombian Republic. Roosevelt offered Colombia a generous treaty, providing for the purchase of a "canal zone." Colombia refused the offer. Roosevelt felt that the United States was being "held up" for unreasonable booty. Two weeks later an oppor-

tune revolution made Panama an independent republic, and that new government at once made the necessary cession to the United States.

Astounding problems of labor, sanitation, and engineering were solved swiftly and effectively, and in 1915 the great canal was finally opened. It at once worked a beneficent revolution in world trade. The water route from New York to San Francisco was shortened by eight thousand miles—so freight could be shipped by that route cheaper than by rail. The Pacific coast countries of South America, too, were brought, on an average, several thousand miles closer to New York. Our Pacific ports were brought nearer Europe, and our Atlantic ports nearer Asia.

Roosevelt did not directly incite the Panama revolution, but he *had* given orders for disposing American vessels and marines in such a way as to prevent Colombia from attacking the revolutionists. Thus he made sure the success of the movement. That this would be the case was well understood in advance by interested parties. Roosevelt, himself, on three public occasions some years later, frankly confessed, "I took the canal zone,"—though, still later, he contended vigorously that his action had never exceeded treaty rights.

Colombia felt strong resentment, and when Woodrow Wilson became President, a treaty was negotiated whereby we were to pay that country \$25,000,000, in return for recognition of Panama by her—the United States in one passage expressing "sincere regret that anything should have occurred" to cause bad feeling. Roosevelt's influence prevented ratification at that time by our Senate, but under President Harding, a similar treaty was ratified—with the apology eliminated.



Very early the new American policy in foreign affairs had brought the United States into the current of world politics.

In 1899 the United States took a highly creditable part both at the First Hague Congress and also at the second meeting in 1907—which assembled, indeed, at the call of President Roosevelt. But America was somewhat slow in accepting the new movement for standing arbitration treaties. (See page 718.) During the years 1903-1907, thirty-three separate treaties between various European powers provided for arbitration of future international differences by the Hague Tribunal or some other standing commission; but in 1904 ten such treaties negotiated by Secretary Hay with important countries and submitted to our Senate for ratification with the strong indorsement of President Roosevelt, were emasculated by unacceptable amendments. Some like treaties were afterward ratified, but they left loopholes for passion by exempting from arbitration “questions involving the national honor.” During the sessions of 1911-1912 the Senate showed marked hostility to another set of treaties (from which that clause had been eliminated) urged upon it by President Taft.

True, in 1913-1914, Mr. Bryan, as Secretary of State for President Wilson, secured the ratification of treaties “further to promote peace” with England and France and with many smaller states. It was provided in each case that the two parties should submit *all* disputes to an impartial tribunal for investigation, with a year’s interval (after the report) for negotiation and reflection, before making war. The ink was hardly dry upon these “cooling off” treaties, however, before it was demonstrated that there was no assurance of peace for the world without an efficient organization to secure international justice and international disarmament.

## CHAPTER XXXVIII

### THE PEOPLE VS. PRIVILEGE

*The fundamental division of powers in the Constitution of the United States is between voters on the one hand and property owners on the other. The forces of democracy, on one side, divided between the executive and the legislature, are set over against the forces of property on the other side, with the judiciary as arbiter between them.*—ARTHUR T. HADLEY, President of Yale, in *The Independent*, April 16, 1908.

ABOUT 1890, social unrest was becoming a marked feature of American life. The "business age" since the Civil War had seen wealth multiply enormously; but that wealth had become more and more concentrated in a few hands, and those hands more and more dominated politics and the daily life of every citizen. In nearly every state of the Union, in the late sixties and the seventies, groups of keen, forceful men, more far-sighted than their neighbors, grasped for themselves the main resources and opportunities—mines, forests, water power, lines of easy rail communication. These rising capitalists then reached out for special privileges. To obtain these, they set themselves deliberately to fill legislatures, courts, and governors' chairs with their creatures, and to intrench themselves behind laws framed for their advantage. The old *forms* of popular government were untouched, but the people had let real mastery in city, state, and nation slip to a narrow plutocracy which fed fat at the general expense and made the "representatives" of the public its private errand boys.

In periods of reaction, and always in some circles, such statements are derided as "parlor socialism," but one does not have to go to the followers of Debs, or even to those of Bryan,

to find sponsors for the teaching. Said Theodore Roosevelt's Progressive platform, in 1912: "Behind the ostensible government sits enthroned an invisible government, owing no allegiance and acknowledging no responsibility to the people. To destroy this invisible government, to dissolve this unholy alliance between corrupt business and corrupt politics is the first task of statesmanship." Woodrow Wilson, Democratic candidate for President in that same campaign, spoke the same doctrine more at length in his "New Freedom" at almost that same date, closing one long invective with the stern indictment: "The government of the United States at present is the foster-child of the special interests." The leaders of that "ostensible government" in 1912 were President Taft and his great Secretary, Elihu Root; and, curiously enough, within two years, each of these men (out of office) held similar language. Taft in an address at Yale deprecated the "rigid control" of politics and society (that had arisen since the Spanish War) "by great business combinations" as justifying "general alarm"; and Root told the New York constitutional convention of 1914: "The ruler of this State during the greater part of the forty years of my acquaintance with the government has not been any man authorized by the constitution or the law." Then, more specifically of the twenty years just past, he added, "It [the government] was not the governor; it was not the legislature; it was Mr. Platt [the Republican boss]. And the capital was not here at Albany: it was at 49 Broadway" (Mr. Platt's office).

The industrial organization had come to produce wealth with gratifying rapidity, but failed to distribute it well. Between 1860 and 1900, the ratio of wealth to population was magnified by four, but the average workman was not four times better off. According to investigation by the Bureau of Labor, he was only a fourth better off. Nine-tenths the

increased wealth had been grasped by less than one-tenth the population, while at least two-tenths had been reduced to a poverty that threatened health and decency. The tenth at the apex of the social pyramid contained real "captains of industry," but it contained also pirates and parasites, whose revenues came less from service than from plunder and privilege. The two-tenths at the base of the pyramid were made up partly of men lacking in some physical or mental or moral quality—though these lacks are quite as often the result of poverty as the cause, for it remains true, as in Solomon's day, that "the destruction of the poor is their poverty"—but that base contained also multitudes of sober, willing, would-be workers who deserved a chance for happy and useful lives.<sup>1</sup> America was rich, but too many Americans were poor.

And this poverty was harder to bear than that of colonial times because ~~it seemed~~ less necessary. Then, there was little wealth to divide. Now the poor man was jostled by ostentatious affluence, marked by wasteful and sometimes vicious expenditure. Fruitful in the growth of class strife were the many newspaper accounts of insanely extravagant pranks by the idle "new rich" who had swarmed into the cities in the early nineties, avid of sensation: a pet monkey solemnly taking his daily airing down Fifth Avenue in his private carriage attended by his personal valet; the expenditure of \$75,000 for an opera glass; "charity balls" where the costumes and jewels alone represented fortunes inconceivable for the America of thirty years before; gorgeous Lucullan banquets en-

<sup>1</sup> During 1907-1909 a committee of the New York Association of Charities and Corrections investigated carefully the income and the standard of living of many hundreds of families in different strata of working people in that city. That study (one of the earliest of its kind, confirmed unhappily by other scientific surveys in different fields since) showed definitely that, in what was commonly called an era of "prosperity," a large proportion of workingmen's families received an income too small to maintain physical efficiency, even with the best of management and without making any allowance for savings.

livened by visions of human goldfish diving in crystal pools or of chorus girls reclining in champagne baths or dancing forth from huge pies.



For a generation after the war that freed the slave, moral enthusiasms had small place in politics. Commercialism seized the reins, and new evils grew with little check, if only they threw no immediate obstacles in the path of "prosperity's" chariot wheels. But by 1890 a new tide of moral earnestness began to swell in American life, comparable with that which had marked the days of Abraham Lincoln. Once more the nation heard the call to line up in a struggle for social justice. It awoke shamed—but dazed and curiously unable for a time to grapple with its real foes.

Soon, however, a remarkable "literature of exposure" began to throw light upon many dimly seen problems—sometimes, it is true, a flaring and distorted light. In 1902-1903, Ida Tarbell's "History of the Standard Oil Company" appeared in *McClure's Magazine* (then a new ten-cent monthly), followed by Lawson's "Frenzied Finance" in *Everybody's*. In 1905, Ray Stannard Baker published a series of revealing articles about railroads in *McClure's*, and Lincoln Steffens followed with two amazing series of articles on "The Shame of the Cities" and "The Enemies of the Republic." In that same year, Frank Norris' *Octopus* and Churchill's *Coniston* dealt with ways in which railroads then controlled politics and abused producers. In 1906-1907 the *Cosmopolitan* ran "The Treason of the Senate" by David Graham Phillips. The year 1906, too, saw Upton Sinclair's *The Jungle* (page 666); and some years earlier the way had been broken for a sympathetic reception of these detailed studies by an amazingly popular response to the reverberating trumpet roll of Edwin Markham's *The Man with the Hoe*—

O masters, lords, and rulers in all lands,  
How will the Future reckon with this Man?  
How answer his brute question in that hour  
When whirlwinds and rebellions shake the world?  
How will it be with kingdoms and with kings—  
With those who shaped him to the thing he is—  
When this dumb Terror shall reply to God,  
After the silence of the centuries!

Most of these writers were hopeful young crusaders, inflamed with zeal for righteousness, but here and there no doubt one or another degenerated toward sensationalism. President Roosevelt finally applied the catchy epithet "Muckrakers" to them, and the average man (always quick to weary of crusades) turned his attention away—but not until the nation had been stirred for some years as it has never been by any other literature except perhaps by *Uncle Tom's Cabin*. Indeed, the "muckrakers" retorted, with effect, that Roosevelt himself was their chief and example—to the secret glee of many a "malefactor of great wealth" who had felt the lash of the President's forceful phrases.

The long struggle that followed the public awakening may be traced conveniently in the separate stories of the railroads, of the "trusts," and of the influence of public service corporations.

## THE RAILROADS

Railway growth had been checked by the Civil War, but the last five years of the sixties doubled the country's mileage, pushing many lines into the Northwest ahead of settlement. The panic of 1873 (page 644) caused another pause; but during 1878-1880 an almost fabulous burst of growth raised the mileage to 92,000, and the next ten years nearly doubled that. In 1910 (when the period of expansion was practically closed), the railroads, with 237,000 miles of track, made up one-seventh of the nation's wealth and employed 1,700,000

men—or one-sixth of the paid employees in all industries. For the past half-century the United States has had a larger ratio of railway mileage to population than any other country.

The eighties saw also a transformation in the old railroads. Heavier steel rails (thanks to the Bessemer process) replaced iron. This, in turn, made possible the use of heavier locomotives and steel-framed cars, of larger size. These changes, again, called for straightening curves and cutting down grades and bettering roadbeds. Travel had been made safer, also, and more comfortable by the introduction of air-brakes (1868), double tracks, the automatic block system, Pullman sleepers, and dining cars.

More significant than these physical changes was the *consolidation* of railway ownership and management. In 1860 no company reached from the Atlantic to Chicago—or indeed controlled even five hundred miles of road. One short line led to another, and so to another, perhaps with awkward gaps and certainly with annoying and costly transfers and delays, and with confusing changes in rates and in time schedules. The lines of that day, too, had eight different track gauges, so that commonly it was impossible to transfer the cars of one company to the tracks of another. By 1880, the gaps had been filled in, gauges unified, and small lines grouped into large ones—of which, however, there were still some 1,500. During the next fifteen years, further consolidation cut this number in half (in spite of the tremendous new growth of mileage just then going on). In 1895, forty leading lines controlled half of all the mileage, and by 1905 all important lines had come under the control of seven or eight groups of capitalists.

But this splendid growth had also a dark side. Many a line had been built, not to serve a public need, but merely to wreck some older line. The “panic of ’73” was usually known as a “railroad panic.” Railroad presidents explained it as due

to overinvestment. Construction for a time *had* outrun business demand, and, because of their ferocious and ruinous competition with one another, the roads could not pay returns on the capital that had been invested. Another cause of trouble, however, was overcapitalization. The operating companies were poor; but the men who had built the roads, and "inside" manipulators, like the Goulds and Vanderbilts, had become fabulously rich. Often they had put in practically no money—building the roads from national or state grants<sup>2</sup> or with money obtained by "bonding" the future road. Then they had sold stock, to any amount which they could persuade the public to buy, pocketing the millions of proceeds themselves. The corporations (upon which they had "unloaded") were left to extort in rates from the people the interest not only on the legitimate investment, but also on this "water."

Public service corporations, such as railroads and city gas companies, have peculiar facilities for selling such over-issues of stock because of the monopoly privilege conferred upon them by society. Indeed, "watered stock," upon which dividends can really be paid, represents monopoly, natural or artificial. Whenever dividends become so large as to incur danger from popular indignation (say 12 per cent), it has been the practice of public service corporations to disguise their profits by issuing more stock (each holder receiving perhaps two shares for one). The company then claims the

<sup>2</sup> Before 1873, nearly 200 millions of acres had been granted to railroads out of the Public Domain (about as much as passed to settlers under the Homestead Act) besides lavish "bounties" paid by rival towns along possible routes. In 1872 every party platform demanded that such grants cease. President Cleveland's first Message (1885) dwelt upon the shamelessness with which the nation's "princely grants" for public uses had been "diverted to private gains and corrupt uses," and Congress then enforced the forfeiture to the government of many million acres, for non-fulfillment of contracts by the companies. The worst offenders, however, could no longer be reached. When C. P. Huntington (one of the magnates who had wrung vast fortunes out of Pacific railroad manipulations) was told that the government would take possession of his road if he failed still to keep his contracts, he answered callously: "Quite welcome. There is nothing left but two streaks of rust."

right to charge enough to pay a "reasonable" dividend of at least 6 per cent upon this "water," urging especially the rights of "widows and orphans" who have acquired stock by innocent purchase. Such dividends represent an unreasonable tax upon the community, including multitudes of other widows and orphans, who are forced to pay higher prices for almost all commodities. Until quite lately, little attempt was made to prevent stock-watering, and public control is not yet efficient. In general, when the "water" has once been marketed, the courts have protected the corporations in their claims to dividend-paying rates.

By 1880, the rapid consolidation of rival railroad lines had put an end to the worst of the old cut-throat competition for business. To prevent future rate wars, the roads within a given territory (as between Chicago and New York) then began the plan of throwing all their earnings into a common "pool," to be divided in a proper ratio. This device restored the railroad for a time to its natural place as a monopoly, but it helped also to make the railroads unpopular, because most people still believed that the business ought to be managed on some competitive basis.

And the roads were taking advantage of the monopoly to keep more than their proper share of the profits. Freight rates did fall, but not as fast as the cost of transportation fell—with the bigger engines, larger roads, and longer hauls. The public was kept in ignorance of most of the facts, but it knew that in some way it was being defrauded when it saw wastefully managed roads paying high dividends on even their watered stock. Moreover, in fixing rates for localities where one road controlled the freight business, the maxim early became "all the traffic will bear." (So reported a committee of the United States Senate in 1885, after investigation.) Roads used their power, too, to destroy one city and build up another, sometimes perhaps to give a chance to those "on the

inside" for profits in real estate. Often they favored large cities at the expense of small ones, and gave lower rates to large shippers than to small ones. This last and worst abuse was secret, and the companies were sometimes the unwilling victims themselves. To get the business of great shippers, they felt compelled to submit to demands for secret rates; and sometimes they even favored such a shipper by imposing a particularly high rate upon a competing shipper. At one time the growing Standard Oil Company ordered a railway to "give another twist to the screw" upon a rival oil company which it desired to put out of business.



For long the intense desire for railway advantages prevented attempts at public regulation of these abuses. During the hopeful youth of the new Northwest, the people of that region had eagerly offered every possible inducement to railway promoters, often unwisely. But later, especially in periods of business depression, they began to feel keenly the mastery of the railway over them and their fortunes.

Now, in the early seventies, in the Northwest there had sprung up organizations of farmers calling themselves "Patrons of Husbandry." Each local organization was a "Grange." At first these were social organizations. The especial purpose of their founder was to counteract the isolation of farm life in that day—before the coming of telephone, radio, Ford car, or rural mail delivery. Each Grange was a farmers' club. The men talked crops and politics at the meetings, while the women got ready a picnic supper. Then, in the hard times after 1873, the "Grangers" talked mostly about their troubles—especially about their grievances against the railroads. Soon they went into politics to do away with unfair railway discrimination and unduly high rates, and to get from the roads a proper share of taxes;<sup>3</sup> and naturally they used the convenient

<sup>3</sup>The railroads of Iowa in 1885 were estimated to own one-fourth the wealth of the state, but they paid only one-twentieth the state taxes.

Grange organization for that purpose. (The Granges scattered through a state were federated.)

The Grangers argued that the railroad was a quasi-public business, subject to public regulation, as the ferryboat and inn had been for centuries. So they induced several states to fix freight rates by law. In 1871, Illinois appointed a state Railway Commission to fix rates and prevent discriminations, and this example was soon followed throughout the West and Southwest.

The railways (and the Eastern bondholders whose money had largely built them) stormed at all such legislation as wicked and confiscatory. The railway, they held, was a private business, and legislatures had no more right to fix its rates than to fix the price at which a store should sell shoes. In 1877, however, in a famous decision (*Munn vs. Illinois*) the Supreme Court declared that such institutions as railways and warehouses existed subject to the power of the body politic to regulate them for the public good. American law took a great step forward in this decision; and it came about because the disorderly, debtor, relatively ignorant West, under the pressure of its needs, had seen farther than the cultured, wealthy, comfortable East.

Much of the Granger legislation was unreasonable. The legislators were largely untrained, ignorant men; and they worked in the dark anyway because the railways refused to make public any information about the business. Sometimes, too, the legislation was infused with a bitter desire for retaliation. On the other hand, the Companies fought the most proper regulation by despicable methods. They bulldozed timid business interests by ceasing railway extension, or threatening to cease it. They tried to terrorize the farmers by ruining prominent Grangers—refusing them cars to ship their grain at the necessary time, or leaving such grain in damp cars to spoil. (There was no legislation anywhere, as yet, to punish such conduct.) And when a Granger law had been

enacted the roads commonly kept it ineffective by getting repeated delays in the courts from judges, whom, in some cases, they had influenced by political support or by free passes and other disgraceful favors. Most of the Granger laws were finally repealed. Railway commissions, however, are now found in almost every state, with authority at least to investigate charges and give publicity to facts about the railroad business.

Next came attempts at national control. From the first, one argument against the state laws had been that only Congress had the right to regulate interstate commerce—and nearly all railway business came under this head. In 1886 the Supreme Court declared that a state could not regulate the carriage of goods billed to another state even for that part of the journey within its own borders. This put an end to effective regulation of railroads by the states, but it did not affect the previous decision of the Court that the public had the right through some agency to control these “common carriers.” The only remaining agency was Congress. So far that body had refused to act, but now (1887) it passed the Interstate Commerce Act, forbidding pooling, secret rates, and all kinds of discriminations. The law also created a Commission to investigate complaints and punish offenses by the roads.

This Interstate Commerce Act promised a better day. It was the first attempt in our history, by the nation, to regulate any form of “Big Business” for the general good. The roads, however, persistently evaded or disobeyed the law, and its main intent was soon nullified by decisions of the courts. Congress had meant to make the Commission the final authority as to facts, leaving to the federal courts only a power to review the decisions, on appeals, as to their *reasonableness*—the facts being taken as the Commission had determined them. The courts, however, decided to permit the introduction of new evidence on such appeals. This meant a new trial in every

case, and destroyed the character of the Commission. The Commission was hampered, too, by other decisions of the courts—especially by one which set aside its authority to compel the companies to produce their books. As the veteran Justice Harlan declared indignantly, in a dissenting opinion, the Commission was “shorn by judicial interpretation of authority to do anything of effective character.”

In Roosevelt's administration the Hepburn Act (1906) sought to revive the authority of the Commission, empowering it even to fix “just and reasonable rates,” subject to review by the federal courts. This act also forbade roads (1) to grant free passes, (2) to give “rebates” (partial repayments to favored shippers), or (3) to carry their own produce.

1. Lavish grants of passes, good for a year, and renewed each New Year, extending sometimes to free travel across the continent and back, had been one of the most common means of indirectly bribing legislators, Congressmen, and newspapers. A judge might travel on such a pass to the court where he tried cases in which the railroad was a party. Apart from the corrupting influence of the practice, too, the people who did pay for tickets had, of course, to pay higher rates—to cover the cost of all that “dead head” transportation. In this matter of passes, Congressional prohibition had been preceded by similar prohibition in many of the states. The reform is now firmly established.

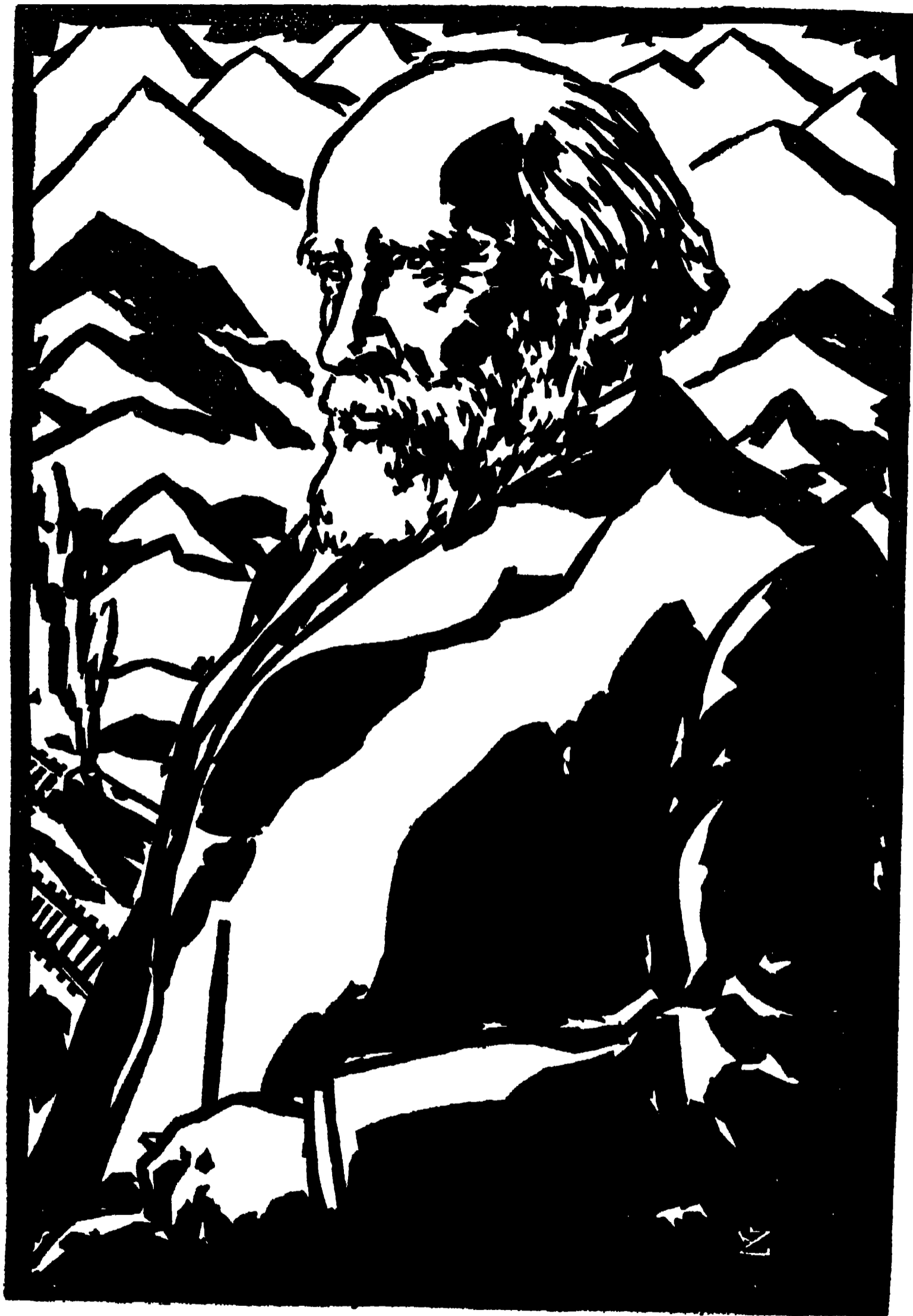
2. Rebates had long been one of the chief methods of evading the Interstate Commerce law against discriminations. Certain favored shippers, no longer given better rates than their neighbors directly, were still given secret rebates in coin, or, still less directly, were allowed to falsify their billing of freight so as to place it under a lower rate, or were paid unreasonable allowances for storing or handling freight themselves or for the rent of private cars furnished by them. The receivers of the Baltimore and Ohio Road in 1898 testified that more than

half the freight of the country was still carried under discriminating rates. Says Professor Davis R. Dewey (*National Problems*, 103): "The ingenuity of officials in breaking the spirit of the law knew no limit and is a discouraging commentary on the dishonesty which had penetrated to the heart of business enterprise." One of the great railroad presidents mourned, in 1907, that good faith had "departed from the railroad world," and another (Charles Francis Adams, Jr.) declared the business "fairly honeycombed with jobbery and corruption." When company and shipper agree in trying to deceive the authorities in the matter of rebates, proof is exceedingly difficult. It is too much to suppose that even the stringent provisions of the Hepburn Act have wholly done away with this demoralizing practice.

3. Certain Pennsylvania roads owned the most important coal mines in the country, and paid themselves what they pleased, out of one pocket into another, for carrying coal to market—so excusing the high price they charged consumers for the fuel. The third prohibition of the Hepburn Act attempted to stop this practice. So far, the attempt is fruitless. The United States Steel Corporation mines iron in northern Minnesota. In deference to the Hepburn Act the Corporation is not also a railroad corporation, but the same group of capitalists, *under another name*, own railroads (on the "community of interest" method) which carry the ore to market at extravagant rates.

This struggle with the railroads has gone on for more than two generations. Much time was lost because, for long, people clung to the outgrown idea that rates could be kept down, and abuses prevented, by building rival roads and maintaining free competition. But we have come to understand that, in the very nature of the case, railroading is not a competitive business.

When pooling was forbidden (page 747), the roads of a



*James N. K.*

"THE EMPIRE BUILDER"—

CREATOR OF THE GREAT

NORTHERN RAILWAY SYSTEM.

given district made secret "rate agreements" among themselves. In 1897, the Supreme Court held such agreements unlawful (because they were "conspiracies in restraint of trade" such as were forbidden by the Sherman Anti-Trust Act of 1890). Then the roads merely consolidated ownership of different lines more rapidly than had ever been dreamed possible (page 742). To keep this movement within bounds, and to preserve competition, the Supreme Court declared the consolidation of parallel lines illegal under that same Anti-Trust Act. (This was the long-famous "Northern Securities case"; page 801.) Once more, combination was merely driven to another disguise, to escape unnatural competition. The great railroad kings of a given region no longer consolidated the stock of their different companies into one new company with one joint board of directors. Instead they exchanged among themselves the stock of their different companies, and the memberships in the different governing boards, so maintaining "a community of ownership and management."

*f*

All this consolidation had been arranged with a view to private profits. What was needed was consolidation and unity of management to give better and cheaper service to society. When America entered the World War a little later, it became plain that the railroads, as then organized and equipped, were not equal to their job. The government seized control—after guaranteeing large dividends to the owners. Under this new unified management, many time-honored wastes and faults were remedied, so that the roads did vastly more work than had ever before been dreamed possible.

It cannot be claimed, however, that government management proved an unqualified success. The arrangement was so sudden that for the most part the government had to make use of the old railroad officials; and many of these deliberately sabotaged the work, making travel needlessly unpleasant and

all service costly and unaccommodating—with the express purpose of rendering the idea of public ownership unpopular. The success that attended that very obvious campaign was not flattering to the intelligence of the public; but that public, as a general thing, did unquestionably give hearty approval to the hurried return of the roads to their old owners as soon as the war was over—a return accomplished (against the earnest protest of Secretary McAdoo, head of the Treasury and Director of Transportation) by the Esch-Cummins Act. That law did provide for greater degree of government oversight than before the war, and it guarded directly against some of the old evils. In particular, it grouped the roads of the country into units—one for each of certain great districts; and for each group it provided unity of management and the restoration of the pooling principle. At last, that is, Congress recognized frankly that railroading is not a competitive business.

The new law, however, virtually guaranteed profits upon a hurried and high valuation (according to some authorities, a valuation three times the true one), and so the Interstate Commerce Commission felt bound to allow the roads to raise freight rates enormously. This added to the cost of living for everyone. It also drove business away to new transportation agencies, like motor busses and trucks, and to water carriage. Then this loss of business (and so of profits) drove the roads to ask for still higher rates on what remained. The railroad problem remains with us.

### “BIG BUSINESS”

The struggle with the railroads awakened society to the need of public control over other monopolies. Ownership of a water power or of a mine is a natural monopoly. Another slightly different sort of monopoly is represented by certain kinds of business, like city lighting or city water sup-

ply, where competition is either altogether impossible, or where at least it would be excessively silly and wasteful. Sometimes, in such cases, the public grants an exclusive franchise to some company, and so creates a legal monopoly. In any case, these forms of business are usually classed with the "natural monopolies," since they are monopolistic "in the nature of the case." They derive their existence, however, not from nature alone but directly from some franchise grant by society, and so they are even more generally looked upon as suitable for control by society.

Modern "big business" creates a still different sort of monopoly. A great manufacturing "trust" calls for so much capital that a competitor can hardly afford to try to build factories and secure machinery, with the uncertainties of the certain commercial war before it. If the attempt is made, the stronger enterprise often kills off the other, if necessary by selling below cost,—recouping itself afterward by plundering the public when it again has the market to itself. This kind of monopoly is recent, and in outer form it resembles the competitive business of former days. Society awakened only slowly to the need of regulating it effectively for the common good. Even today such combinations are sheltered from public control, and sometimes from public investigation, by the legal principles of an outgrown age of individualism.

The first famous illustration of this sort of monopoly was the Standard Oil Trust, organized by John D. Rockefeller. In 1855, a farm boy of that name, seventeen years old, became a bookkeeper for a Cleveland commission firm. The youth was attentive to business, sober, frugal, and always on hand to conduct his Sunday School class at the Baptist church. In 1862 (just when hundreds of thousands of other young men of twenty-three were marching south to save the Union), he was able to put \$4,000 into a new small oil-refining firm, as one of two partners. Dreaming oil at night, talking it at

his early breakfast, at work over it in his office by seven in the morning, he was ready in 1870 to take more than a fourth of the million-dollar stock of a new "Standard Oil Company," of which from the first he was both the leading stockholder and the leading spirit.

Oil refining was still looked upon by many reputable banks and other business interests (especially those outside the immediate oil regions) as a wild-cat affair; and the ups and downs of the new business were many and surprising. Prices varied swiftly, and, to an outsider, fantastically. Rockefeller hated this "anarchy," and early bent his energies to replace it by a monopoly—controlled by himself. If he did not exactly feel that he had been called of God to do this work, he does at least seem never to have doubted that he had the blessing of God in it; and if some of his rivals became broken wrecks and suicides, that was, to his mind, merely because they had stubbornly refused to accept his beneficent overlordship. Apparently he never found it needful to try to justify himself, as he might plausibly have done, on the ground that most of his victims would have given him like treatment if they had been able, in accord with the dominant business ethics of the period—"the good old rule, the simple plan that they shall take who have the power, and they shall keep who can."

Cleveland was then one of the two chief centers for refining crude petroleum. Under Rockefeller's shrewd management, the Standard Oil soon began to absorb other oil companies there, and so grew powerful enough to "persuade" railway companies to set up secret discriminations for it and against its remaining rivals. That is, the railway gave "rebates" to the Standard Oil on its freight business and also "drawbacks" on that of its competitors. During the 49th Congress the Senate Committee on Interstate Commerce unearthed a letter from the Standard Oil to the Cleveland and

Marietta Railroad, in which the Oil Company threatened to take away all its business from that road "unless you make the following arrangement. You shall make a uniform rate of 35 cents a barrel for all persons except the Standard Oil Co. You shall charge them [Standard Oil Co.] 10 cents a barrel, *and also pay them 25 cents out of each 35 cents collected from other shippers.*"

In 1870, the Standard Oil was one of 250 competing companies, and its output was less than one-twentieth the whole: in 1877 it controlled nineteen-twentieths the output, and of the few remaining companies the leading forty were "affiliated," and took orders from it. A powerful lobby long prevented legislative interference, and the Standard Oil attorneys were generally successful in the courts. Meantime its capital had been increased to 90 millions—on which it was paying the enormous yearly dividend of 20 millions of dollars!

A few independent companies, however, were still putting up so stiff a fight that a closer organization seemed needful to insure success for the monopoly, and, by 1882, Rockefeller had organized the Standard Oil "Trust."<sup>4</sup> The forty affiliated companies turned over their property to one board of nine trustees, each stockholder in an old company receiving proper certificates of stock in the new organization. This board of trustees managed the whole business. The arrangement was secret and exceedingly informal and elastic. The "Trust" was not incorporated. The trustees, when convenient, could easily deny knowledge of the doings of subordinate companies,

<sup>4</sup>In 1872, Rockefeller had tried to reach his ends through a famous, or infamous, "South Improvement Company," chartered by Pennsylvania. That company had at once made secret contracts with leading railroads of the general nature just described, but the public disclosure of its methods within a few months resulted in cancellation of all contracts, abrogation of its charter, and a Congressional investigation. Prominent in this attack on the South Improvement Company was a certain eloquent and able young lawyer, Samuel C. T. Dodd. Five years later that same able lawyer, not quite so young, appears again—but no longer as the gallant "tribune of the people": in 1877 he had become an employee of John D. Rockefeller, and it was this Samuel Dodd who devised for his new master the device of the "Trust."

or disavow responsibility for them, and, with better reason, the companies could throw responsibility upon the intangible "Trust."



Other industries seized promptly upon this new device for consolidating management and capital. It proved eminently satisfactory to the average stockholder, though, in the process of organization, many small companies were squeezed out of their property; but it abolished competition, which had always been regarded as the sole safeguard alike of the consumer, of the small producer of raw material, and of the laborer. The Standard Oil Trust bought from the owner of an oil well at its own price, being practically the only buyer. So the Meat Trust bought from the cattle raiser. Then the trust sold its finished product at its own rate—which was sometimes an advance upon former prices, and which was never reduced enough to correspond with the decreased cost of production. The profits to the stockholders steadily mounted, even when prices became lower. Sometimes the absence of competition, together with the prevalent low business morality, led to scandalous deterioration in the goods put upon the market, and so robbed the consumer doubly.

Finally the people took alarm. States enacted anti-trust legislation (for the most part, futile), and, in 1890, Congress passed the Sherman Anti-Trust Act,<sup>5</sup> forbidding "every combination" in restraint of interstate commerce. The Standard Oil Trust led the way in evading the purpose of the law. With

<sup>5</sup> So called from the conservative Senator John Sherman of Ohio, who, however, had little to do with drafting the law, though he advocated it in ardent speeches—as when he exclaimed:

"If the concentrated powers of this combination [the relatively small trusts of 1890] are entrusted to a single man, it is kingly prerogative, inconsistent with our form of government. . . . If we will not endure a king as a political power, we should not endure a king over the production, transportation, and sale of any of the necessities of life. If we would not submit to an emperor, we should not submit to an autocrat of trade with power to . . . fix the price of any commodity."

superficial obedience, it dissolved into twenty companies, but one and the same group of capitalists retained the controlling interest in the stock of each company and composed the twenty "interlocking" boards of directors. Other trusts followed this method of maintaining "community of interest and management," as the railways were to do later (page 751), or they reorganized openly as huge corporations. The term "trust" was abandoned as a technical business term, but it remains properly enough in popular use to describe either of these forms by which aggregated capital monopolizes an industry.

Indeed, the monopolistic movement had only begun. In 1890 there were a score of "trusts" in the United States with an aggregate capital of a third of a billion dollars. In 1899 there were about 150, mostly organized within two years, with a total capital of over three billions. In 1901 came the organization of the United States Steel Corporation, with a total capitalization of \$1,400,000,000, of which—according to a later government investigation—\$400,000,000 was water. It is generally estimated that between 1900 and 1904 the number of trusts was multiplied by eight or nine, and that the capitalization rose from three billions to over thirty billions. Of this immense sum, a huge portion was in seven companies, and these had intricate ramifications, so that three or four men, perhaps, held real control. Nor can the public ever afford to forget that more perilous far than aggregated wealth's control over the cost of material commodities is its less evident but all-pervasive and insidious control over opinion by its dominance of educational and publicity agencies. In 1928 an investigation of the Power Trust by the Federal Trade Commission (in obedience to a resolution of Congress) resulted in sensational disclosures of underhand and dishonest ways by which that powerful organization influences the teaching in our colleges and public schools in its own interests and against public ownership.

Some states early attempted to curb the power of monopoly, and to take back for the public at least a small part of its unreasonable profits, by taxing great corporations higher than ordinary individuals were taxed; but this line of operation was stopped at once (1882) by the Supreme Court, under the authority of the Fourteenth Amendment, which forbids a state to discriminate among *persons* (page 636f.). In the case of *California vs. the Southern Pacific Railroad* the Court held that a corporation is a "person" in the meaning of the word in this amendment. Accordingly, no taxation can be applied to corporations, even to specially favored public service corporations, other than to other citizens.

Since that decision, attempts at state regulation of monopoly have taken the form of state laws which permit incorporation only on condition (1) that there shall be no stock-watering, (2) that publicity of management shall be secured, and (3) that officials may be held strictly to account. Such legislation, though characteristic of nearly every state, was long rendered of no account by three "trust-owned" states. A corporation organized in any state can do business in all, and can be deprived of its charter only by the home state. Accordingly, by 1907, 95 per cent of the American trusts had found refuge in those three states.

In 1913, their citadel in the favorite state of New Jersey seemed overthrown by the resolute democracy of the governor, Woodrow Wilson. After a splendid two-year battle, and on his last day in that office before assuming the presidency of the nation, Governor Wilson signed seven bills boasted to be "trust proof." All these, however, have since been rendered of no account either by later legislation or by court interpretation. Under such conditions, optimists have strong inducement to join in the chant that in recent years Big Business has grown so moral that its own conscience—aided perhaps by full publicity—will remove all its old evil methods.

To secure such publicity, a Federal Bureau of Corporations

was established in 1903 (under President Roosevelt), to investigate the organization and conduct of corporations engaged in interstate commerce. In 1916 (under President Wilson) the powers of this body, with much enlargement, were turned over to a new Federal Trade Commission, consisting of five appointed members. That body can order any business concern engaged in interstate commerce to discontinue business methods that are considered unfair, and, in case of disobedience, it can carry the case to the federal courts.

The position of such a commission, however, is highly difficult. In the years just after the World War this Trade Commission published many statements about unfair methods by Big Business, until it came to be looked upon by conservatives as "bolshevistic." On the other hand, by 1926, owing to changes in the make-up of the Commission and to a consequent change of its attitude, "progressive" Congressmen were accusing it of being merely a shield for corrupt business. It is to be expected that Big Business will be always "on the job" when appointments are to be made to any such board, if there is any chance to influence a reactionary or careless President into giving the positions to men not too critical of its methods. The only remedy is for the public also to keep on the job. That is more difficult for a hundred million people than for a hundred heads of great and selfishly interested corporations; but it remains true that the price of liberty is "eternal vigilance."

### "BIG BUSINESS" AND CORRUPT POLITICS

After the Civil War, the growth of cities and of new inventions began to give tremendous importance to gas companies, electric lighting companies, water companies, telephone companies, and street car companies. Each such corporation had to get the right to use the public streets for tracks or pipes or wires, in order to do business. In the early decades of the period,

the company usually tried to get a charter giving it exclusive use of the streets, for its kind of business, for a long term of years or in perpetuity. At the same time it sought to escape any real public control over its rates, or over the service it should render, by making vague the charter clauses bearing on such matters or by inserting "jokers" to destroy their apparent force.

Shrewd men saw that such grants would become increasingly profitable with the growth of city population; and, to secure them, some corporations found it profitable to buy up public officials on a large scale. If after all a charter was decently just to the city, the corporation often prevented the enforcement of the best provisions for years. It would get its own tools elected to legislatures or city councils or judgeships, and have other tools appointed to inspectorships, the holders of which were supposed to see that it lived up to its contract and gave good service.

These forces, therefore, were largely responsible for an increased body of political "grafters" in the governing bodies of state and city. Such grafters extended their operations unblushingly to other parts of the public business, as in extorting bribes from business men who wished contracts for furnishing supplies to the city or for building city improvements.

Public graft became an organized business. City pay rolls were padded with names of men who rendered no service, sometimes of men who did not exist but whose salaries were drawn to fatten the income of some "boss." Important public offices were turned over to incompetents, in return for private political service. Many a city government, too, allied itself not only with public, but also with private crime. Police departments permitted gamblers and thieves and thugs to ply their trades with impunity, so long as they did not become too notorious; and in return the precinct captains collected each week regular pay envelopes from the criminals—the

greater part of which went ultimately to higher officials—chief of police, mayor, or political boss.

The first case of city corruption to catch the public attention was the infamous Tweed Ring, which robbed New York City of a hundred million dollars in two years (1869-1870). The taxpayers paid fifteen million dollars for a court-house which really cost only three million (and which had been originally estimated to cost a quarter of a million). False entries credited a certain plasterer with earning \$138,187 in two days, and nearly three million dollars in nine months. And hundreds of thousands of dollars' worth of costly furnishings, purchased for this public building, were delivered to a new hotel owned by Tweed's son. The ring was finally broken up, and "Boss" Tweed was sent to Sing Sing, largely through the fearless skill of Samuel J. Tilden, soon after the Democratic candidate for the Presidency (page 645).

For long it was a pet delusion of "respectable" Republicans that the New York scandal was an exceptional case, due to the deplorable fact that New York was controlled by the Democratic Tammany organization, but later it developed that Tammany's methods were coarse and clumsy compared with those by which a Republican "ring" (part of "Matt" Quay's machine) had looted Philadelphia. Slowly we have learned that corruption has no party. The biggest "boss" naturally allies himself with whichever party usually controls his district, but he has a perfect understanding with corrupt leaders of the other party, upon whom *secretly* he can call for help against any revolt by the suffering public. At the same time these sly rogues on both sides find the surest trick to obscure real issues in appeals to the voters to be loyal to the party.

Nor does one housecleaning, and the punishment of a few rascals, end the matter. Gains are too great, and the public too forgetful. In a few years New York and Philadelphia were again ruled by rings quite as corrupt as the first ones—

though they had learned that it paid to "give" the people clean streets and attractive public buildings and even good sanitation when some profitable contract was not interfered with thereby. With occasional spasms of ineffectual reform, conditions like these remain characteristic of practically every important city in America. That sympathetic critic, James Bryce, who found so much to admire in the American people, declared in his *American Commonwealth* that our city government was our "one conspicuous failure."

City and state politics graduated scoundrels into national politics. And national politics had troubles of its own. What a street car company or a gas company was to a city council or to a state judiciary, a railroad or an oil company sometimes was to Congress or to a federal court. As late as 1906, President Roosevelt attributed to a leading railroad president (Hariman) the cynical but too well founded boast that "he could buy a sufficient number of Senators and Congressmen or state legislators to protect his interests, and, when necessary, he could buy the Judiciary."

Political campaigns cost enormous sums of money. This fact opened the way for indirect bribery of the machinery of both great parties. Corporations, with particular reasons for wishing to keep on good terms with influential politicians, have long been the main sources of campaign funds. Indeed, the political managers have commonly asked brazenly for such payments—and afterward could not very well refuse favors to the donors. Usually such a corporation has kept on the safe side by contributing to both parties—somewhat more liberally to the one in power. These huge contributions become a source of campaign corruption, and meantime the people, whose interests are being compromised, really pay the corrupting contributions, indirectly, in higher prices—*since a corporation always charges such contributions up to "operating expense."*

In 1911 the progressive movement of that time (page 809) secured a Corrupt Practices Act, ordering the National Committees of all parties thereafter to publish the sources of their funds. This law began to correct the evil. But the scandalous Senatorial primaries in Pennsylvania and Illinois in 1926 made it plain that further improvement is imperative.

This political corruption does not come in any considerable degree from ordinary competitive business. It comes from great public service corporations that desire special privileges of some sort from the government. The ordinary business man, who perhaps pays a bribe in order to get a city contract, is rather the victim of a vicious custom than a cause of it. The political boss, too, who "delivers the goods" to the privileged corporations and who at first sight seems the head and front of corruption, is after all merely an agent. He is permitted to pay himself in loot, but he is acting for (and is protected by) "the man higher up," who often is the "respectable" head of great business interests. These interests draw after them smaller business men, sometimes by brutal coercion, but more commonly by merely playing artfully upon the phrase that any attempt at reform "hurts business." Almost every genuine reform movement in America so far has found its chief foe, after a brief run, in this despicable and sadly overworked phrase.

During a Congressional investigation in 1912, H. O. Havemeyer, president of the Sugar Trust, was asked whether his Trust made political contributions in the campaigns. "Yes," he said frankly; "we always do that. In New York [controlled by Democrats] we throw [our contribution] their way. In Massachusetts, where the Republicans are dominant, they 'have the call.' Wherever there is a dominant party . . . that is the party that gets the contribution." And, in reply to further questions from the Senatorial committee as to the politics of his organization, he answered genially, "The American Sugar

Refining Company has no politics of any kind. . . . Only the politics of business.” Quite as frankly, and indeed rather more cynically, spoke to like effect Frederick Townsend Martin, a gracious representative of the idle rich: “The class I represent care nothing for politics. . . . We care absolutely nothing about statehood bills, pension agitation, waterways appropriations, ‘pork barrels,’ state rights, or any other political question save as it threatens or fortifies existing conditions. . . . We own America. We got it, God knows how, but we intend to keep it, if we can, by throwing all the tremendous weight of our support, our influence, our money, our political connections, our purchased Senators, our hungry Congressmen, into the scale against any legislature, any political platform, that threatens the integrity of our estate.”

## CHAPTER XXXIX

### WORKING CLASS MOVEMENTS

*The injury of one is the concern of all.*—MOTTO OF THE KNIGHTS OF LABOR.

#### ORGANIZED LABOR

**C**OMBINATION in the ownership and management of industry has been matched by organization of the workers. Unhappily, these two mighty forces of the industrial world, when not in active hostility, stand over against each other in at best an armed truce. Neither side can get the other's viewpoint. Each has been guilty of blunders and sins. Privileged wealth believes that the welfare of the country at large rests on business prosperity, and that the government therefore ought to be primarily an adjunct of business. Organized labor looks upon this attitude as due merely to capitalistic greed; and on its side it wishes government to concern itself directly with promoting or at least protecting the welfare of men and women.

The student of history may hope that this class struggle is only a necessary stage in progress toward a broader and truer social and industrial unity; but at present each party honestly denounces the other as unpatriotic and un-American. The charge has a measure of truth in both cases—if one considers only the Americanism of a century ago. That America was individualistic and democratic. Wealth today proclaims its devotion to "American" individualism, while, by control of press and school and government, it threatens American democracy. Labor tries to cling to democracy, but it frankly turns away from our earlier individualism toward collective

and coöperative action—so that its critics often think it dangerously near to socialism.

During the Civil War the labor unions began to combine the local organizations of the several trades into national unions—the Brotherhood of Locomotive Engineers (1863), the National Brickmakers' union (1865), and so on. By 1870, thirty-two such national organizations contained a total of 300,000 workers, and soon all skilled trades were organized up-on a nation-wide basis.

But the national federations of unions had as yet no connection with one another. So another kind of organization was tried. In 1869 seven garment-cutters in Philadelphia started a movement for one great national union of all workers, skilled and unskilled. This was the Noble Order of the Knights of Labor. The units were not local "unions," but individual workers. In 1878, just after the great strike year (page 767) the Knights held their first National Convention—made up of delegates from local and district assemblies.

The order grew until it counted a million members. For years it exercised vast influence for good, and it was the fount of much wholesome legislation in the nation and in some states. Especial gratitude is due it for its early recognition of the right of women to equal pay with men for equal service, and for its welcome to early world-peace movements. The Knights, however, adopted the Free-Silver platform and joined the Populists in the campaign of 1896. With the failure of that movement, their order went to pieces.

Meantime the national organizations of separate trades had at last united in the American Federation of Labor. This organization, ever since, has been the representative of labor interests. It has encouraged the formation in each city of a Trades' Assembly, or Central Labor Union, composed of delegates from the local unions and standing to them somewhat as the National Federation stands to the separate national unions.

By 1920 the local unions within the Federation (each made up of skilled workers only) had a membership of more than three million men and women. The first president was Samuel Gompers. Except for one year, Gompers was reëlected to that office annually from 1881 to his death in 1924. Long before the end he had become one of the big figures in American life. Labor owes much to his cautious but courageous leadership, and hostile critics (who long derided him as a dangerous demagogue) came to praise and honor him. The more radical wing of the Federation, however, had become restive toward what they termed his cowardly conservatism.

In many cases, the organization of an early local union had been due to resentment among the workers toward real or fancied oppression. The leaders have taught constantly that there is no necessary hostility between labor and capital and that the two must learn to meet in friendly and fair coöperation; but the actual history of labor organization so far has been largely a history of strife with capital.

The first violent clash came, naturally, in the railway world, because organization on both sides was first complete there. The railway panic of 1873 (page 742f.) led many roads to cut wages. The powerful organizations of "skilled" engineers and conductors proved able to ward off such reductions, or at least to secure fair hearing in most cases, by mere threats of a strike; but the places of firemen and switchmen could be filled more easily, and on these classes fell the most serious reductions of pay. In 1877 the fourth cut within five years drove these employees on the Baltimore and Ohio to a strike—which spread like a prairie blaze to many other roads. Riot and bloodshed were widespread, from Baltimore to San Francisco. Pittsburgh was in the hands of a mob for days. The crowds of idle and desperate men in the cities, and the thousands of "tramps" in the country (both new features in Amer-

ican life with the 1873 panic) added to the violence and disorder. Millions on millions of dollars worth of railway property was destroyed, and the injury to private business was much more disastrous. Violence was finally repressed, and peaceful strikers were sometimes intimidated by federal troops. On the whole, however, the strikers won important concessions.

The Bureau of Labor computes 34,657 strikes for the following twenty-five-year period, 1881-1905. Over eight million men were directly involved, and the direct costs—apart from the greater indirect cost to the public—was half a billion dollars. Half of these strikes are classed as “successful” or “partially successful.” None of them involved as great suffering or as serious class war as several in more recent years have done, but two of them are called “historic strikes,” because of the issues first brought clearly to the front by them.

1. In 1894, the employees of the Pullman Car Company struck to avoid reduction of wages. The American Railway Union, sympathizing with the strikers, demanded that the quarrel be submitted to arbitration. The company declined, whereupon the Union refused to handle Pullman cars on any road. Twenty-three leading roads were involved. The companies had contracts, in most cases at least, making them liable for damages if they did not use these cars, and, apart from this fact, they were bitterly resolved to crush the “sympathetic strike.”

The disorders extended from Cincinnati to San Francisco, with Chicago as the storm center. Hundreds of freight cars were looted and burned by the city mob, which found its opportunity for plunder in the situation. This crime, with its attendant loss, was charged to the strikers by many respectable elements of society. But Governor Altgeld of Illinois declared that the railway companies were paralyzed, not by strike violence, but by a legitimate situation, since they could not secure men to run their cars without federal assistance. President Cleveland, however, sent federal troops to Chicago to insure the running of trains—on the ground of preventing interference

with the United States mails and putting down "conspiracies" which interfered with interstate commerce. This broke the strike. The business interests of the country heartily indorsed the President's action, but that action was one of the chief reasons why the more radical Democrats were driven into opposition to him (page 713).

Early in the strike (July 2, 1894) a Federal District Court issued a "blanket injunction" ordering all members of the Railway Union to cease interfering with the business of the roads. Eugene V. Debs, president of the Union, continued to direct the strike, and two weeks later he was arrested for contempt of court. Investigation of the charge did not take place for several months—during which Debs remained in jail rather than ask for bail on such a charge—and then he was condemned (by the judge's order) to six months' more imprisonment, not for taking part in the strike, but for disobeying the court. In effect, however, Debs suffered a year's imprisonment for an act which no law had ever declared a crime. He was already under charge of violating the law regarding interstate commerce, but, if tried on that charge, he would have had a jury. The action of the court deprived him of that customary right.

The excitement over this incident centered attention as never before upon this use of the judicial injunction. The Supreme Court declared it constitutional, but organized labor at once opened a long fight for new legislation to do away with such "government by injunction." After many defeats, an "anti-injunction" bill did become law in the early years of President Wilson's administration (page 814). The courts, however, have defeated its purpose by a series of limiting decisions.

2. In May, 1902, the coal miners of Pennsylvania struck for an increase of wages and the recognition of their Union. The strike lasted five months and caused a general coal famine. John Mitchell, the head of the Miners' Union, by his admirable

handling of the situation, won wide recognition as an outstanding leader. The operators consisted of a few railway presidents who enjoyed a complete monopoly of the anthracite coal mines but who were greatly weakened in public sympathy when one of them (Mr. Baer) claimed "divine right." The public and labor, said Mr. Baer, ought to leave the matter to "the Christian men to whom God, in his infinite wisdom, has given the control of the property interests of the country."

Finally, after various rebuffs by the operators, President Roosevelt brought them and John Mitchell into conference (October 3). Mitchell offered to submit the case to a board of arbitrators to be appointed by the President, and promised that the miners would return to work at once, without waiting for the investigation, if such a course should be agreed to. The owners refused arbitration, and called loudly on the President for troops to intimidate the strikers. Roosevelt decided to send troops, but for a different purpose. He made up his mind to seize the mines, if necessary to prevent a fuel famine, and operate them with the government as "receiver." Indeed, he selected Major General Schofield as military commander for the purpose, after explaining the situation to that soldier in a personal interview and securing from him a direct and succinct pledge that, as commander of troops, he would disregard any judicial writ by which the mine owners might seek to recover possession. The whole plan was kept strictly secret, but Schofield had his force ready to entrain at a half-hour's notice. Then, only just in time to make it unnecessary for Roosevelt to carry through these extreme measures, the mine owners consented to his original plan for arbitration—through pressure brought to bear upon them by J. Pierpont Morgan, the financial backer and real master of the coal trust. The miners returned to work, as they had promised, and in March of 1903, Roosevelt's board of arbitrators made its report, sustaining the demands of the miners

in nearly all points. (Incidentally, it may be well to note, the mining companies merely added to the price of coal all and more than the strike had cost them.)

Roosevelt's action was acclaimed everywhere by labor sympathizers as a happy contrast to Cleveland's nine years before in the railroad strike. Curiously enough, however, it came out some years later (in Roosevelt's *Autobiography*, where first most of the rest of the inside story was made public) that (after the seemingly fruitless conference with the owners) the President had almost despaired of doing anything, when he received from Grover Cleveland a cordial and sympathetic letter criticizing the arrogance of the mine owners severely and expressing strong hope that Roosevelt might find a way to bring them to heel.



By more peaceful agitation, labor has made many gains.

1. Soon after the Civil War, the question of an eight-hour day took the place in labor agitation held by the ten-hour day thirty years before. In '68, Congress adopted the eight-hour principle for all labor directly employed by the government. Gradually states and municipalities followed that example for public works. In 1912, Congress decreed that eight hours should be the labor day also on all work done for the government by contractors. Meantime most skilled trades had established that working-day by custom. Ten hours remained the "basic" day in railway work until 1916. In that year, under threat of immediate nation-wide strike, and in accordance with President Wilson's warm recommendation, Congress hurriedly enacted an eight-hour day for all workers engaged in carrying interstate commerce. (The constitutionality of the law was soon upheld by the Supreme Court.)

Labor agitation had already advanced to a demand for a forty-four-hour week (eight-hour days and one half-holiday besides the free Sunday), and many unions had established

this shorter labor day by custom. Some enlightened employers had adopted it, too, of their own motion. Then at the annual convention of the American Federation in 1926 that organization voted to direct its energies to securing a forty-hour week—a few days after Henry Ford<sup>1</sup> had actually introduced that plan in his factories, arguing that if more workingmen were to be expected to buy his autos, they must have leisure to use them as well as high enough wages to pay for them.

Hostile critics exclaimed loudly that Mr. Ford had adopted this plan only temporarily—because just at that time he had not work enough to keep his workmen busy. (He had announced that the old “Model T” was to be replaced by a new car, and many changes were necessary within the factories before quantity production of the “New Ford” could begin.) But in January, 1929, to the confusion of such critics, the Ford factories added thirty thousand men to the payroll without either lengthening hours or cutting daily wages. Incidentally, therefore, this amazing action indicates that in future a shortening of the labor day is likely to help in solving the unemployment question and in securing a more equitable division of profits between capital and labor.

<sup>1</sup> Henry Ford is a unique figure whom American history cannot afford to omit, though he thrusts himself into few of its conflicts. He is not an employer of organized labor, though exceedingly generous to his own workmen. Said to be the richest man in the world, he has made his vast fortune not by breaking rivals, as did John D. Rockefeller nor through any element of graft, such as played a large part in giving a start to Carnegie (according to that capitalist's own naïve story), nor yet by the fierce exploitation of his workmen nor the outwitting of competitors that marked Carnegie's later career as a captain of industry. Ford made his money in pursuit of a generous idea—because he was, after all, an idealist. He saw a demand that did not yet exist but which ought to be created, and he did create that demand by supplying the wherewithal to feed it. While still a poor factory boy, in days when the auto was a rare and costly plaything, he fixed his aim upon making it possible “for every American family to own a car”—by devising a worthwhile automobile that could be turned out at a low price by new methods of mass production. In 1900, there were only 8,000 automobiles in America: in 1925 the number had risen to 17,000,000, or one for every seven people—and about two-thirds of these were “Fords.”

State legislation regarding the labor day, except on public work, has always been nullified by the courts until within a few years, on the ground that such legislation interferes with "freedom of contract." In 1895 in Illinois, and in 1911 in New York, laws to shorten the working day even for women were thrown out by the courts on that same ground. But said Theodore Roosevelt (November 11, 1911), in a speech in New York upon that decision—

I am asking you to declare unequivocally that it is for the people themselves to say whether or not this policy shall be adopted, and that no body of officials, no matter how well meaning, nor personally honest, no matter whether they be legislators, judges, or executives, have any right to say that we, the people, shall not make laws to protect women and children, to protect men in hazardous industry, to protect men, women, and children from working under unhealthy conditions or for manifestly excessive hours, and to prevent the conditions of life in tenement houses from becoming intolerable. I do believe that this people cannot surrender the right of ultimate control to a judge any more than a legislature or executive.

Soon the courts in those same states, under such pressure,<sup>2</sup> reversed their decisions, finding sanction for so doing in the "police powers of the state" to maintain a reasonable standard of public welfare. Finally, in 1917, the Federal Supreme Court, democratized in part by Woodrow Wilson's appointments, declared constitutional a California law fixing eight hours as the maximum working day for women, and even an Oregon law fixing a ten-hour maximum day for men.

2. It has been easier to secure limitation of the working day for children than for adults, because public sympathy was more easily aroused and because the common law did not "protect" children by the "freedom of contract" rule. In 1874 and 1879, Massachusetts, through the influence of organized labor

<sup>2</sup> Said Mr. Dooley (Peter Finley Dunne): "The Supreme Court follows the election returns."

and of the Labor Bureau's statistics, made the first efficient provision in America for a maximum labor day for women and children (ten hours a day), with adequate inspection to enforce the law. During the next decade, this example was followed, for children at least, in most of the manufacturing states of that day, and there has been much further legislation prohibiting all employment of children of school age—at least until a certain proficiency in studies has been attained.

Between 1880 and 1890, the number of children in manufacturing establishments fell off a third, but after 1890 the numbers increased once more with the growth of factories in the South where proper regulation of this crime against childhood had not yet been adequately secured. Labor organizations long hoped to coerce negligent states by inducing Congress to forbid transportation from one state to another of goods produced in any measure by child labor. With the ardent support of President Wilson, such a law was enacted in 1916, but the next year the Supreme Court (five to four) held that such legislation exceeded the constitutional control of Congress over interstate commerce. Congress then imposed a heavy tax upon all products of child labor that pass into interstate commerce. In 1924 this law also was voided by the Supreme Court. Congress then promptly submitted to the states a constitutional amendment designed to give the federal government power to regulate child labor. The women of America, in most of their national and local organizations, vigorously urged its adoption, and most of the old progressive forces favored it; but a skillful campaign by manufacturers' associations, and adroit appeals to the doctrine of States' Rights, secured its rejection in most of the legislatures in session in 1924-1925. This seems to show that further progress in child-labor legislation must depend upon the states.

3. Extreme progressives had long hoped for a "minimum wage" law for women in industry. Any kind of work that

employs women, they urged, ought to be compelled to pay a living wage, sufficient to insure health and decency. After the progressive wave of 1912 (page 809f.), a number of Western states adopted such legislation, and in 1917 the Federal Supreme Court upheld an Oregon law in the matter—a decision determined largely by the conclusive arguments prepared by Louis Brandeis just before his appointment to the Supreme Court. (Under such circumstances, Brandeis, of course, did not “sit” when the case came before the Court.) Several states then adopted similar laws. But in 1923 the Court (quite differently constituted by that time) reversed that decision—first in regard to a Congressional law of the same sort for the District of Columbia and afterward in declaring void an Arizona law. For the present the question of a “decent wage” seems removed from legal control.

4. One of the wisest and earliest of organized labor's demands was for a scientific investigation of labor conditions (with continuous publication of the findings) by state and national governments. In 1869 a victorious “Labor Reform” party in Massachusetts set up a State Bureau of Labor Statistics. In the eighties the Knights of Labor secured such a bureau in the federal government. Most of the states now have such departments, usually headed by labor representatives and charged with authority to enforce factory legislation. The Federal Bureau has become the Department of Labor. In 1912 the government created also a Federal Children's Bureau to promote the welfare of children.

5. Factory acts have been adopted in nearly all the states, requiring employers to “fence” dangerous machinery, to arrange for escape from possible fire, and to provide adequate ventilation and freedom from dampness and from extreme temperatures. Such legislation is enforced through inspection by the state labor bureaus.

6. Compensation to workmen for injuries received in the course of their toil has made much progress. The Common

Law permitted an employee to recover by a suit for damages. The cost, however, was too great for poor men in any but the gravest cases; and if the accident was caused by the carelessness of a "fellow servant," no recovery was possible. Happily, many of the states, by employers' liability laws, have abolished this last principle. Some states have made compensation almost automatic, without legal delays. A few states, too, by state insurance, have reduced costs and eliminated profit-seeking agencies which elsewhere try to influence the working of such laws for private gain. The federal government has extended like protection to all its employees (1916) and also to railroad workers engaged in interstate commerce. When the practice becomes general, compensation for accidents will become an item in the general expense account of all factories, and will be paid, as it should be, by society, in the price of the goods. At the same time, each employer will have an inducement to precautions, since, by reducing accidents below the average, he will add to his profits.

In this matter, America, with its constitutional protection to property interests, still lags far behind several European lands. No other industrial country needs such legislation as much as America. No other one has so large a proportion of preventable accidents. In our coal mines alone, thousands of men are killed or seriously injured each year. The family wreckage that goes with such loss of life by the breadwinners is even more appalling. Unless this slaughter is checked by law, or by greater sense of responsibility in employers, American industry threatens to become more wasteful of human life and of social welfare than ancient war was.

The "closed shop" has been a chief aim of labor unions in many strikes and boycotts. Labor unionists believe that they must have "collective bargaining" if labor is to deal with capital on anything like equal terms. Accordingly, members

of a union contend that every worker in their trade must be persuaded, or forced, to join the union or leave the industry. The man who stays out gets whatever better conditions may be secured by collective bargaining, without giving his help toward it; and, in time of trial, he becomes a traitor to the cause of labor by underbidding the union standard. On the other hand, many liberal-minded people look upon the principle of the closed shop as "un-American." It is easily designated as tyranny toward the individual laborer, who is no longer "permitted" to work "on his own terms." Sometimes, too, a strike against a fair employer who himself recognizes union labor, but who has contracts with firms that do not, involves serious injustice; and the courts now declare such "compound" strikes illegal.

The unions fall often into the hands of self-seeking leaders, or of treacherous ones, and are used to bad ends; and the most sincere leaders are no more beyond possibility of error, in their puzzling duties, than other men are. But the sins of organized labor, while often more violent, are usually less dangerous to human progress, than the sins of organized capital, which commonly provoke them. From labor's viewpoint, talk by a "scab" of his individual "right" to bargain his own labor is as much out of place as like vaporings by a deserter in war. The "unionist" feels that organized labor is the only hope for better conditions of life for the masses of mankind.

All unionists believe that their ultimate argument is the strike. Except for that possibility in the background, they argue, many of the gains that have come peaceably would never have come at all. Of course, a more rational and civilized way of securing industrial justice is the crying need of the times. But the first necessary step toward that gain is for society at large to awaken not merely to its own loss in every strike but also to the real wrongs of labor. Society foots

the bills in every strike. What the employer loses is quickly made good to him by increased prices to the public. What the laborer loses is added largely to the cost of prisons and asylums paid by the public. Even while the strike is in progress, the "innocent bystander" often suffers as bitterly as the combatants—just as the burghers of a medieval city often found their daily marketing interrupted, and sometimes had heads broken or houses burned, in the private wars between lawless barons in their streets. Society must continue to suffer such ills, as medieval society did, until it becomes resolute to compel justice on both sides. During the World War, the nation did this through its "War Labor Board," but, at the return of peace abroad, that fine example was quickly allowed to perish.

In any strike, public sympathy is effectually alienated from either side that is known to use violence. The unions are aware of this, and, from policy if not from principle, they commonly do their best to prevent disorder. When the more desperate and ill-controlled strikers, or their sympathizers, do use violence, well-to-do society promptly calls for troops and declares that "now the time for considering the wrongs of labor has gone: it remains only to restore order." Certainly, order must be maintained: but the fundamental evil in the matter lies in the fact that, for the people who use this argument most glibly, "the time for considering the wrongs of labor" has never arrived. The unions assert, too, that sometimes the employers hire ruffians to destroy their own property in order to represent such destruction as the work of strikers, and that armies of thugs in the pay of the employers as private policemen often intentionally force a riot by "beating up" peaceable strikers and by grossly insulting women and children. In some cases the truth of such charges has been established by unimpeachable and impartial investigation. It is proven fact, too, that some of the largest industrial corporations maintain an exten-

sive spy system among their employees; and, to earn their pay, the wretched spies become *agents provocateurs*, to foment strikes and more serious plots.

Employers' associations often charge organized labor bitterly with that sort of sabotage which consists in limiting production by "loafing on the job." There is much truth in that charge, but it is a question whether the blame does not rest at least equally upon the employers, since they direct the system of industry. Labor does loaf. It has lost interest in "piling up profits for the bosses," or in "working itself out of its job"—as many a laborer feels that he has done when, after a period of "speeding up," a mill shuts down for months until a glutted market becomes normal again.

On the other hand, there is much promise of a remedy that may restore interest and supply incentive to labor in a new movement to democratize industry. Wide-awake employers here and there are finding it pays to admit their workmen not only to a share in profits, but also, through elected councils, to a share in the management and to a partial ownership in their jobs—so that they and their families may not at a moment's notice be plunged into misery by the chance whim of an employer or of a tyrannical foreman.

## SOCIALISM AND THE SINGLE TAX

While the labor union has been appealing to skilled workers, Socialism has been seeking converts among unskilled laborers. It is a force to be reckoned with in American life, and therefore it should be understood. Careless critics may no longer dispose of it as either anarchy or communism.

Modern Socialism points out that a few capitalists practically control the means of producing wealth ("the machinery of production and transportation"). This, they argue, is the essen-

tial evil in industrial conditions. Their remedy is to have society step into the place of those few, taking over the ownership and management (1) of land, including mines, water power, and all right-of-way; (2) of transportation; and (3) of all machinery employed in producing wealth. Private ownership for private enjoyment and consumption, they claim, would then regulate itself without injury to the common life. Most thinking people, however, fear the government despotism that seems involved in all such schemes of State Socialism, and hope to cure the undoubted evils of our industrial system in some way less destructive of the liberty of the individual.

About 1900, a radical faction of Socialists, losing faith in political methods, split off into a distinct organization in favor of "direct action." By this they do not mean (most of them, anyway) the use of bombs and bullets in place of ballots, but they do mean the compulsion of society by industrial pressure—perhaps by "general strikes." As a first step they work for the organization of great masses of labor, unskilled as well as skilled, into "one big union." This program, first put forward by the French "Syndicalists," has been adopted in America by the "Industrial Workers of the World," or "I. W. W." "Poor work for poor pay," an early slogan, passed with these advocates of industrial war quickly into more serious forms of sabotage, such as ruining machinery and spoiling raw material. (French Syndicalists, it is asserted, were in the habit of throwing an old shoe, or *sabot*, into the factory machinery, to compel it to be closed down.) Society, alarmed and angered, instead of merely punishing for such crimes when committed, has many times allowed these agitators to claim the cloak of martyrs, by refusing them the ordinary privileges of free speech, and even by permitting mob violence against them to go unpunished.

In contrast with these extremists, the great body of Socialists hope to achieve their program, sometime, through the ballot

box. In 1900 the Socialist Democratic party polled 94,000 votes for Eugene V. Debs for President. In 1904, it cast 400,000 votes, and more than doubled that in 1912. This, however, was only about one-twentieth the total vote, and a considerable part of it, too, was "a vote of protest" by men out-of-step with the other parties but not real Socialists. In 1916, the Socialist vote fell off a little (to 750,000) because many railroad men (who had been previously affiliated with that party) voted then for Woodrow Wilson on account of his stand on the railroad eight-hour law (page 771).<sup>3</sup>

Then came a serious set-back. Many Socialists were German immigrants. The party, too, had long held that modern war in general was "a capitalistic conspiracy" against the workers. Accordingly, when America entered the war against Germany (April 6, 1917), the Socialists held an "emergency convention" at St. Louis on April 7, where the majority adopted resolutions denouncing the war and pledging opposition "through demonstrations . . . and all other means within our power." This disloyal position discredited the whole Socialist program to many former sympathizers, and even drove out of the party (for some years at least) many of its former leaders, like Upton Sinclair, John Spargo, Allan Benson (just before its Presidential candidate), and Charles Edward Russell. Said Mr. Russell, when the party cast him out: "I am not convinced that I cannot be both an American and a Socialist, but if I have to choose, I choose to be an American."

Two years later, too, the extreme "Left" of the Socialist movement split off into a new "Communist Labor party." This body not only approves "direct action" in the older sense, but even lays itself open to charges of advocating violence to revolutionize the government.

<sup>3</sup>In 1920, with the new woman-vote, the Socialists cast 900,000 ballots—which, proportionately, was a smaller vote than in 1912. In 1924 the party was absorbed in the La Follette movement. In 1928, with an admirable candidate (Norman Thomas), there were only about a quarter of a million Socialist votes.



There followed a serious blunder on the other side. Early in 1920 (while the animosities roused by the war were still running high), the New York Assembly expelled five Socialist members, because they *were* Socialists (not Communists, even, or I. W. W's.). The constituencies at once reëlected the five deputies—and the Assembly again expelled them.

Now a fundamental principle of free government is that while the majority must rule, the minority must be heard—so as to have a chance to convert the majority. There can be neither freedom nor progress without free discussion. American democracy has long claimed to rest its faith on the proud dictum of Jefferson, "We fear no error, so long as truth is left free to combat it." During the peril of a great war, good citizens are willing to surrender the most fundamental liberties to the government for the national safety. War is not a game for free peoples. But, at the return of peace, the restoration of such natural and constitutional rights are demanded as the birthright of American citizens. The expulsion of these Socialists struck deep at the roots of free government. It deprived whole constituencies of their right to representation simply because they disagreed with a dominant party in the state. Said Charles Evans Hughes at the time, in strong condemnation, "This is not, in my judgment, American government."

The question of free speech for *Communists* is a distinct question. For a man or an organization deliberately to advocate bombs instead of ballots as the means to change the system of government is to declare war upon society. No doubt society has a perfect right to meet war with war, and to restrain violence with violence. It remains, however, for society to decide, on each occasion, whether there is danger enough to make such action *advisable*.



In 1879, Henry George published *Progress and Poverty*. This brilliant book, to its converts, transformed “the dismal science” of political economy into a religion of hope. George teaches that land values are a social product created by the growth of population. Society, therefore, should take them by taxing land up to the rental value of unimproved land equal in location and quality. This taxation would include, of course, the full value of the use of city streets to transportation companies and lighting companies, and of railroad right-of-way—unless the public chooses to keep such enterprises wholly in its own hands. Thus taxation would reach all “natural monopolies.”

The advocates believe that such a tax would exceed present public expenditure and make other taxation unnecessary. Therefore it is styled the “Single Tax.” Other taxation, it is urged, “penalizes industry.” The Single Tax takes from the individual only what he has never earned (the “unearned increment”), and takes for society only what society has created. Incidentally, it would put an end to mischievous speculation in land—since no one could then afford to hold land, unused, for a rise—and it would certainly prevent many forms of vicious special privilege. Indeed, its converts usually hold that all special privilege runs back to private ownership of land values. Apart from the question of exact economic truth, the Single Tax doctrine has been one of the inspiring forces of the century. *Progress and Poverty* was a trumpet call for eager youth with faith in humanity to rally to a contest for truth which should make men free.

Socialists believe in public ownership of all the means of production, including machinery: Single-Taxers believe in public ownership only of all natural monopolies. The Socialists agree to the doctrines of the Single Tax, but do not think it goes far enough. The Single-Taxer denounces Socialism as

tyrannical, and believes that, granted the Single Tax, individualism may safely rule all other social relations.

### TWO MORE FARMER CRUSADES

1. After the decline of the Granger warfare against railroad abuses in the seventies (page 747), the farmer's discontent found voice in a Farmers' Alliance, much like the old Grange in form and program. The eighties and early nineties saw a long period of low-priced wheat and cotton (fifty-cent wheat, part of the time)—but during these same years the impoverished farmers saw the big milling companies and grain middlemen accumulating vast fortunes,<sup>4</sup> while they, who had raised the grain, were being forced to borrow large amounts from Eastern capitalists through mortgage loan companies—at a ruinous 10 per cent interest. In 1890, at least nine-tenths of the farm land in many large districts was under mortgage, and between 1889 and 1893 more than 11,000 farm homes were lost by foreclosure in Kansas alone. Indeed, in 1895 the loan companies had taken possession of more than four-fifths the farm land in fifteen counties there. The rural West and South was ablaze with discontent. The Alliance merged in the Populist party. But with the improvement in prices of farm products after 1896, and with the fall of the Populist party, the Alliance movement disappeared.

2. This did not mean, however, that the farmer had really become prosperous. In recent decades he has made great progress in increasing production, to the world's great gain, but very little progress in marketing his produce to his own gain. True, many farmers have been able to "retire" with a small competence from the increase in value of their land (which

<sup>4</sup>The best study (so far as this writer knows) of the exploitation of the producer by the middlemen, in the inevitable development of new marketing methods suitable to our complex modern life, is contained in a recent doctor's thesis (1926) published by Columbia University: *The Wheat Market and the Farmer in Minnesota, 1858-1900*, by Henrietta M. Larson. No serious student of the topic can neglect that work.

would have come without a day's labor—as it did for land speculators), and occasionally one even makes money from his crops, either through unusual ability or luck. But many investigations show that, in spite of his long day of fourteen or fifteen hours of strenuous toil and his life of stern privation and denial, the average farmer in the Northwest gets less return for his labor than the average hired farm hand. Farmers are learning that they have been selling their produce for less than the cost of production—if they figure the labor of themselves and their family at anything like the price of town labor and if they take into account the interest on their investment. This is the fundamental reason why, in spite of much noisy “back-to-the-farm” propaganda, the drift from farm to city is becoming a national menace.

About the year 1900 the conviction began to spread, especially in the grain-growing states, that the farmers' lack of profits was due largely to the unreasonable profits of an unreasonable number of middlemen. For more than a generation, the large millers and the grain men of the great wheat markets had manipulated the grading of grain in their own interests<sup>5</sup> and had exercised much control over fixing the price by speculation on boards of trade. Moreover, through the “interlocking directorates” of their grain companies and of the

<sup>5</sup> The Minneapolis elevators every year shipped out hundreds of thousands of bushels of high-grade wheat *more* than they took in, and about the same number of bushels of low-grade wheat *less* than they took in. On grain originally graded low, the farmer got merely a trifle. This tremendous change of market value was brought about partly by skillful shuffling: the elevator mixed a very little No. 1 with a large amount of No. 2 (No. 2 that was already almost No. 1), and so passed the whole as No. 1 without materially changing the food value. The grain men say, truly enough, that a large part of the change was due to the fact that passing grain through the elevator made it grade higher (giving it brighter color and somewhat better quality). But if “no grade” wheat could be so cheaply made high grade, then plainly the farmer was robbed by the very great difference in price between the two grades when he sold. The loss to the farmers of a grain state ran up into millions of dollars a year. Part of this loss has now been eliminated (largely as a result of the Non-Partisan League crusade) by a federal provision for cleaning the wheat before establishing its grade.

central city banks, they controlled the credit extended or not extended to country banks—and so could force those banks to bring great pressure to bear on the farmer to make him sell his grain when it was cheapest.

The farmers agitated long and earnestly for redress of these and other like grievances, with little gain. The state governments were usually heedless if not openly contemptuous. Indeed in North Dakota there is a widely believed tradition that a prominent politician of that state told a delegation of farmers (who had come to the legislature to petition for relief) that they had better “go home and slop the hogs,” and leave legislation to those who understood it. Finally their demands were taken up in 1915 by a new farmers’ organization.

This Non-Partisan League (founded in North Dakota) is a political organization with a specific program for reform, but it is not a political *party*. It planned state-owned elevators, flour mills, and banks, and state hail-insurance. As the name implies, the League meant to use the machinery of either political party through which it could best attain these aims. In the Northwest, this was ordinarily the Republican party, but in Montana, where the Democrats are usually dominant, the League sought to utilize that party. For several years the Non-Partisans controlled North Dakota and put part of their program into effect there. Business interests both in the state and in neighboring grain centers like Minneapolis and Duluth fought them fiercely (often exceedingly unfairly) and attempted to discredit their program as unconstitutional “Socialism.” But in the summer of 1920, the Supreme Court of the United States declared constitutional those North Dakota laws which had been most bitterly assailed (laws for state-owned banks, elevators, and flour mills). This decision establishes the right of a state to go into business in order to combat private monopoly when its citizens think such action needful for their well-being,—and so marks another mile-stone in the growth of American law.

For a time the League aspired to become a national organization. It did obtain a strong hold upon neighboring states—as far south as Kansas, and west from Minnesota to Washington—but by 1923 the movement had lost vitality except in its home state. This decline was due partly to some mismanagement of the Dakota enterprises and to dissensions among the leaders, but in greater degree it was due to a wise change of attitude throughout the West by the business interests, which had now taken up in seeming earnest the task of coöperating with the farmer to improve his condition. That story belongs to a later chapter.

## CHAPTER XL

### THE PROGRESSIVE MOVEMENT IN POLITICS

*We are just upon the threshold of a time when the systematic life of this country will be sustained, or at least supplemented, at every point by government activity.*—WOODROW WILSON, in "The New Freedom" (1911).

THE political machinery which was devised for Jacksonian democracy made the people's rule too indirect. It was particularly fitted for the skillful manipulation of "bosses." About 1900, the conviction grew among political reformers that the first need of our republic was more direct democracy with less power in political middlemen—direct nominations by the people, in place of indirect by bargaining conventions; a direct check upon officials after election, by the recall; direct legislation, by the initiative and referendum; direct "home rule" for cities, in place of indirect rule at the state capital; direct election of United States Senators by popular vote; and a direct voice by women in the government.

#### MAINLY IN THE STATES

These reforms in political machinery fell mainly within the domain of state legislation, rather than federal. This was fortunate. One state moved faster for direct legislation; another, for woman suffrage. Meanwhile, more conservative commonwealths, which in a consolidated government might have prevented any forward movement, had at least to look on with interest while their more far-sighted or more reckless neighbors acted as political experiment stations.

The first reform to win general acceptance was the Australian ballot—essentially the system adopted by England in

1870 and afterward improved slightly in some of the Australian states. Under earlier practice in America, the parties and candidates printed tickets in any form they liked, often with deceptive labels or with fraudulent changes of one or more names. Thoughtful voters, who wished to cast their ballots independently of party labels, found it difficult to do so, and a purchased voter received his ballot from the bribe-giver, who then watched him "deliver the goods." Now there is an official ballot printed by the state, and the method prescribed for using it secures absolute secrecy and encourages independence of judgment.

Good election machinery, however, is not enough. Good nomination machinery is quite as important. The people must have a fair chance to express their will in selecting the candidates between whom the final choice must be made. This is the aim of a movement for "direct primaries."

Under the old system of nominating caucuses and conventions, rarely did a tenth of the votes take any part in nominations. The matter was usually left to the political "machines." Or, if a popular contest did take place, the result was often determined by fraud or trickery or by absolute violence. In 1897 the young Robert M. La Follette of Wisconsin, smarting under defeat in boss-owned nominating conventions, worked out a complete system of "direct primaries" for state and nation and began to agitate for its adoption. In 1901, Minnesota adopted the plan for state and local offices, and during the next fifteen years it spread to about half the states.

Meanwhile, in 1910, Oregon extended the idea into national politics by adopting "preferential primaries." In these the voters expressed their choice among the candidates for the nomination for President. This amounted to an instruction to Oregon's delegates in the next National Convention of each party. Twelve states at once followed this example. In 1913,

President Woodrow Wilson even recommended that Congress establish the practice throughout the nation. If this should come to pass, the National Convention would be a mere gathering of "letter carriers."

More significant than choice of officials is direct control by the people over the laws which officials are to carry out. As a rule, even in "democracies," the people have governed themselves only indirectly. They have chosen representatives; and these delegated individuals have made the laws—sometimes with little regard to popular desires. Most progressives demand that the people have a chance to take a direct part in lawmaking by the referendum and the initiative.

The referendum is the older device. It consists merely in referring to a popular vote a law which has already passed the legislature or the state convention. The practice originated in Massachusetts in the ratification of her first constitution, in 1778 and 1780 (page 230). Since 1820 it has been used almost always in our states for the ratification of new constitutions or constitutional amendments, and there has been a growing tendency to use it also, in state and city on questions of bond issues and public ownership. For more than a half century, Switzerland has carried the practice much farther. There a certain number of voters by petition may compel the legislature to submit any law to popular decision.

Switzerland also developed the true complement to the referendum; namely, the initiative. This device originated in a provision in the first constitution of the state of Georgia (in Revolutionary days) regarding amendments, but it took no root in America at that time. By 1870, in nearly all Swiss cantons, a small number of voters could frame any law they desired, which the legislature then was compelled to submit to a popular vote, and in 1891 this principle was adopted for the Swiss federal government.

The profitable working of these devices in Switzerland led

to a new enthusiasm for them in America. In 1898, South Dakota adopted both of them by constitutional amendment, and in the next twelve years they came into use in twenty-four states—though only six of these were east of the Mississippi. Oregon in 1907 added to a law of this kind the further provision that the state should print and distribute to every registered voter, about three months before election, a copy of all measures legally initiated and also of all on which a referendum had been legally demanded, with the arguments that had been offered for and against them (a certain part of the cost of printing to be borne by those who present arguments). At the first election under this law, the state sent out a book of a hundred and twenty pages. This feature of the "Oregon plan" offers the best political education yet devised for any large people. It was adopted in full by California in 1911.

Associated with the initiative and referendum in progressive platforms is the "recall"—a provision that a certain percentage of voters, on petition, can at any time force an official to stand for election again in opposition to some new candidate. The advantage of the arrangement over waiting for the regular election in one or two years—or several years, in case of judicial officers—is that it concentrates attention upon the one official. At a regular election, the matter is complicated by party issues and by the distractions due to choosing many other officials. Opponents of the recall fear that the people will use the power hastily, especially in pique toward judicial officers, without due understanding of the technical points involved in unpopular judicial decisions. The reply is that if the people are fit to choose untried men to decide such technical points, they must be fit to choose whether they will keep such men after trial. Where the people do possess this power, it has not been invoked often. Up to 1929, the statewide recall was used only once—by the conservative forces in North Dakota in 1922, to get rid of certain Non-Partisan

League officials. In several cases, however, the device has been the means of removing unfit city officials.

In 1908, Arizona applied for statehood, with a provision in her proposed constitution for the recall of all elective officers (including judges). This provision was one excuse given in Congress for delaying statehood. Finally in the summer of 1911, a bill for admission passed Congress with a provision requiring the Territory first to vote once more upon this clause of the proposed constitution. Even this bill was vetoed by President Taft, and, at his insistence, statehood was offered only on condition that the people should first vote down the recall provision. Arizona complied in December, 1911, but, at the same time, the leaders of both political parties in the Territory proclaimed in advance that, statehood once secured, they would work to restore the recall to the constitution. Promptly after admission, in 1912, this threat was made good.

Meantime, the President's futile attempt to force a whole people into stultifying itself awoke wide popular indignation, especially in the progressive West; and in the fall of 1911, California, by a vote of three to one, adopted a constitutional amendment for the recall, including application to judges.

For many years there was an unmistakable demand by a great majority of the people for an amendment to the National Constitution to provide for direct election of Senators. Time after time the necessary resolution passed the Representatives, only to be smothered or voted down in the upper House, which had no desire to be brought closer to the people. Then the people began to reach their end, indirectly, by state action. Again Oregon led the way. In 1904 (and again in 1908 by a vote of 4 to 1), that state (1) provided that when a United States Senator was to be chosen by the next legislature, the people, at the election of the legislature, might express their choice for Senator; and (2) ordered all members of the legislature to obey the choice so indicated. This plan spread

swiftly, and by 1911 it was in force in nearly half the states.

Then the reformers turned again to direct action through the national government, this time with success. The immediate occasion was a notorious purchase of a senatorship from Illinois by "big business" for a certain Mr. Lorimer. A Senate committee of "Stand-patters" made a whitewashing report on the case; but that report was riddled piteously by the Insurgents and by the progressive press. Still on the vote to expel, the Stand-patters managed to rally the one-third vote necessary to save their colleague. A resolution for an amendment to provide for popular election of Senators was then pending, and it was soon after defeated by almost precisely the same vote! Then in the spring came a special session of the new Congress with large progressive gains (page 809), and, in 1912, Lorimer was expelled and the amendment passed, to be ratified promptly by the states.

Woman suffrage,<sup>1</sup> like most democratic movements, had always been strongest in the West. When Kansas was admitted as a state, in 1861, her constitution gave the vote in local school elections to women. Minnesota and Michigan adopted this reform in 1875, and before 1900, in more than half the states north of the old "slavery line," women had secured some kind of "limited suffrage." The first state to grant the ballot to women on full equality with men was Wyoming at its admission in 1890. (The Territory of Wyoming had had equal suffrage since 1869, and had been the stock subject for newspaper jeers therefor.) Colorado established the reform by constitutional amendment in 1893. In 1896, Utah became the

<sup>1</sup> The cause of higher education for women (cf. page 499) made swift progress after the Civil War, partly, no doubt, because of women's notable work during that struggle. Vassar, the first exclusively woman's college of high rank, was opened in 1865. In 1867, at its first organization, the University of Minnesota put men and women on an equal footing. The year following, a like step was finally adopted at Michigan (page 500) and, in 1870, by Ohio University. Soon afterward, Cornell took the same step in the East, and then the practice quickly became almost universal.

third suffrage state, "completing the trinity of true Republics at the summit of the Rockies." Idaho followed, the same year.

For fifteen years no new commonwealth was won to the cause, but none the less the "woman movement" was making rapid progress in politics, in industry, in education for the professions, and in social recognition. Then, in 1910, Washington gave women the full ballot. California did so in her reform year, 1911. The democratic year, 1912 (page 810 f.), and its aftermath in 1913-1914, raised the total number of suffrage states to twelve by adding Arizona, Kansas, Oregon, Nevada, Montana, and Illinois. In 1916 some 4,000,000 women voted for President and Congressmen.

Illinois had been the only state so far east of the Mississippi to give the vote to women. There the result was reached by legislative action, not by constitutional amendment, and so could not extend to state officers. In 1917 this "Presidential suffrage" was won for women in Indiana, South Dakota, North Dakota, Rhode Island, Michigan, and Nebraska, while at the November election a constitutional amendment gave women full suffrage in New York. The overwhelming weight of that state in the national government made this last victory of peculiar significance, despite defeats in the same campaign in Ohio and Maine. Then the part taken by women in the World War disposed of the hoary objection that "a woman ought not to vote because she could not fight for her country," and in 1920 the "Susan B. Anthony Amendment" became the law of the land. It was, however, not the "Thirteenth" Amendment, as it had been christened by hopeful crusaders half a century before, but the Nineteenth. Instead of being the first country to adopt this democratic measure, as had once seemed probable, the United States was the twenty-second—one part of the cumulative evidence that, in spite of older tradition, Americans are now an essentially conservative people.



As the states were renovated by the new democratic machinery, they turned promptly to the uplift of the common life in a long series of social reforms. No one of these was more spectacular in its rapid victory than the Temperance movement—though it is true that the way had been prepared by seventy years of earlier agitation. Now, between 1905 and 1916, a union of various anti-saloon forces (largely independent of the regular Prohibition party) made half the states "dry" and set up "county option" in half the rest. The economic needs of the country during the World War gave increased momentum to the reform. In 1917, nation-wide prohibition was enacted by Congress for the continuance of the war. Before this law expired, the Eighteenth Amendment forbade the manufacture, transportation, or sale of intoxicating liquors.

One factor in this victory was the political short-sightedness of the liquor men. The brewery combine went early into politics, to oppose almost every vital reform. Everywhere it fought woman suffrage because it knew women voters would fight the saloon. It fought the referendum, because it feared the people, while it trusted to its ability to corrupt legislatures. It fought every attempt to check special privilege, from a lively and well justified expectation of political help to be received in turn from privileged corporations. It fought the election of "reformers" of every sort, to protect itself or its allies. And, finally, reformers of all sorts learned that they must fight the Liquor power as a step toward any other reform.

It cannot be said at this writing, after ten years' trial, that national prohibition is an unqualified success. "Bootlegging," with much accompanying violent crime, is notorious on all frontiers and in nearly all large cities. Over vast rural districts, the "still" is as common an institution as it was formerly in the small mountain districts of Kentucky or Georgia when its

aim was merely to escape the federal revenue burden. The rich use liquor freely on their home tables and at their clubs. Officers of the law, in many instances, not only receive huge bribes, but themselves engage actively in the illegal and exceedingly profitable traffic. Never before has a federal law been so generally and contemptuously disregarded. Its supporters ascribe this unfortunate and ominous condition to the fact that high national officials have shown no real determination to enforce it. Still, at the Presidential election of 1928, one of the main factors in the decisive defeat of the Democratic candidate is generally supposed to have been the bitter hostility of the South and West to his avowed program for modifying the present liquor legislation.

### IN THE FEDERAL GOVERNMENT

The opening years of the twentieth century, down to America's entrance into the World War in 1917, saw a remarkable progressive movement in the national government. This period extended through the seven and a half years of Theodore Roosevelt's administration and the first four years of Woodrow Wilson's, with only a slight check in the intervening Taft administration.

Theodore Roosevelt was the most picturesque among a group of aggressive young reformers who appeared in public life during the last quarter of the nineteenth century. He had served as a reforming Police Commissioner of New York City, as Civil Service Commissioner (page 701), as Colonel of the "Rough Riders" (page 720), and in 1898, just at the close of the Spanish War, he had been overwhelmingly chosen Governor of New York. There the "Old Guard," headed by United States Senator Platt (page 738), found him very much in their way. To get rid of him, and to shelve him presumably for all time, they took shrewd advantage of his popu-

larity among Western delegates in the Republican Convention of 1900 to nominate him (much against his wish) for the Vice Presidency—"that graveyard of statesmen." A few months later, the assassination of McKinley made him President. For the first time in our history, an "accidental President" took place at once as a popular leader, and in 1904 he was triumphantly reelected.

Roosevelt advocated the "strenuous life," and practiced it. He was keenly interested in sports, science, and history, as well as in public movements, and in the midst of his political activities he found time to write several valuable books. A distinguished foreign visitor during his Presidency remarked that America possessed two tremendous national phenomena—Niagara Falls and Theodore Roosevelt. Rather feeble physically in his earlier years, "Young Mr. Roosevelt" had been greeted gleefully by cartoonists and paragraphists, at his entrance to public life in the eighties, as a slim and foppish "dude," symbolized by condescending Harvard drawl, overtight, fashionable trousers, eyeglasses, long-tailed coat, and tall hat. The Rough Rider episode and the New York governorship had ended all that, and the cartoonists of the 1900's pictured instead a burly ogre of overflowing vitality, armed with gigantic club (the original "big stick") and with gnashing teeth, ready to do battle with all comers at the drop of the hat. In particular, attention was centered upon those "fighting teeth." In the 1900 campaign itself, Mr. Dooley described Roosevelt's appearance at a public meeting in the symbolic phrase—"And thin along came Teddy Rosenfeldt and bit his way to the platform."

Even earlier the national boss of Republicanism had felt the new man's ruthless force—and had come to dread it. At a famous "Gridiron dinner" at Washington just before the Spanish War, but while Mark Hanna was still holding McKinley for peace, the still rather unknown Roosevelt had turned defiantly upon the maker of Presidents and roared, "Senator



*Theodore Roosevelt* - "WE IN AMERICA HOLD IN OUR HANDS THE FATE OF THE WORLD, THE HOPE OF COMING YEARS, AND SHAME AND DISGRACE WILL BE OURS . . . IF WE TRAIL IN THE DUST THE GOLDEN HOPES OF MEN."

Hanna, we are going to have this war to free Cuba in spite of all the timidity of the commercial classes!" Hanna was not the sort of a man to bear a grudge for defeat, but to his type of mind, Roosevelt was simply "impossible," and he was wise enough to take account of chances that the New York Old Guard neglected. He had blocked Platt's design to nominate Roosevelt for the Vice Presidency until himself overruled by McKinley—who had finally decided that it was best to conciliate the Western progressives by that sop. Then, throwing up his hands, Hanna exclaimed, "I'm through. Everybody's gone crazy. . . . Don't any of you realize there's only one life between that madman and the Presidency!"

Under McKinley's first administration, the Sherman anti-Trust Act and the Interstate Commerce Act had both become virtually dead-letter laws,<sup>2</sup> and, naturally enough, his reelection was accepted by Big Business as a definite promise of exemption for some years more from any government interference. Hanna had expressed his complacent delight in the prospect by the phrase that soon grew into a symbol for his political followers,—“All that we need to do is to ‘stand pat.’” But more clearly than other leaders, Hanna evaluated the incalculable in Roosevelt, and his personal grief at the loss of his friend in McKinley's death was mingled with a sense of danger to the policies he had worked so hard to establish. On McKinley's funeral train, Hanna had for a seat-mate a leading newspaper editor, to whom he said in petulant sorrow: “I told William McKinley it was a mistake to nominate that wild man. Now look, that damned cowboy is President of the United States!”

Twenty years before his accession to the Presidency, in his first term, indeed as New York Assemblyman, Roosevelt had made one vehement assault upon the owners and managers of

<sup>2</sup> Under Harrison there had been five prosecutions in connection with these laws; under Cleveland (second term, of course), eleven; under McKinley, none. (Roosevelt's seven years were to see forty-four!)

certain great railroads as "infernal thieves . . . with their hired stock-jobbing newspapers, their corruption of the judiciary, their corruption in this House!" closing the objurgation with a new and vivid phrase, "the wealthy criminal class." This outburst drew wide attention at the moment—along with not a few complacent prophecies that it was "Young Mr. Roosevelt's valedictory to politics." But long before 1901 it had been forgotten. There had been no follow-up. During that long interval, Roosevelt had always been an active "reformer," a zealous chastizer of evil things done by politicians, a champion of high morality in politics;<sup>3</sup> but never again had he sought to uncover "the man higher-up" or to deal with economics as a background for politics. Populists and Socialists, Debs and Bryan, he detested socially and politically; and their unmeasured attacks on aggregated wealth repelled him from all consideration of the topic himself.<sup>4</sup> Thus in 1901, there seemed no particular reason why the trust magnates should sleep uneasily—unless gifted with Mark Hanna's uncanny instinct.

Still, Big Business did watch with much interest for some disclosure of economic policy in the new President's first message to Congress at its meeting in December, 1901, and many were the sighs of relief when that lengthy document (ten thousand words, covering a multitude of weighty topics with admirable generalities) had been scanned and analyzed. The short paragraphs on the trusts gave no alarm. With all his frank vehemence of speech, Roosevelt, at need, was a past master in the use of what, when used by others, he called

<sup>3</sup> So as to call from Thomas B. Reed, Republican House leader at Washington, the gentle irony, "If there's one thing that I admire more than another in you, Theodore, it's your original discovery of the Ten Commandments."

<sup>4</sup> Roosevelt had inherited a comfortable fortune (not a huge one, even by the moderate standards of the eighties) but, with all his love for doing things, he seems never to have felt the least interest in making money. About the middle of his second term he wrote to a friend, "I do not dislike, but I certainly have no especial respect for, the typical big moneyed men of my country, and I do not regard them as furnishing sound opinion as regards either foreign or domestic policies."

"weasel words." He could wield a scorpion scourge with one hand, while, with the same motion, the other hand proffered a laurel wreath to hide the scars. "Mr. Dooley's" shrewd paraphrase of this part of the message runs,—*"Th' trusts"* says he [Roosevelt], *"are heejous monsther, built up by th' inlightened intherprise iv th' min that have done so much to advance progress in our beloved counthry,"* he says. *"On one hand I wud stomp thim undher fut; on the other, not so fast."*<sup>5</sup>

Then, one morning three months later, without further warning of any kind, the great stock markets of the world were thrown into wild confusion by the newspaper announcement that Roosevelt had directed Attorney-General Knox at once to begin action to dissolve the Northern Securities merger (page 751) on the ground that it conflicted with the Sherman Anti-Trust Act.

In April of 1901, shortly after Theodore Roosevelt took the oath of office as Vice President, there had begun a world-shaking battle of railroad giants—the Morgan-Hill interests (in control of the Great Northern and the Northern Pacific) and the Harriman interest, controlling the Southern Pacific and Union Pacific. The struggle was to determine which of the two vast combines should get control of the intermediate Burlington system. After weeks of financial convulsions (in which incidentally the giants joining in picking the bones of the innumerable small speculators who had thought presumptuously to glean crumbs from between the feet of the mighty ones—and had been caught "short"), the contest ended in a sort of compromise, embodied in a vast consolidation of the Great Northern, Northern Pacific, and Burlington lines in a

<sup>5</sup>One of the many fine things about Roosevelt was the fact that such keen wit at his expense did not prevent his enjoyment of and his warm liking for Peter Finley Dunne. More than once, too (with shrewd press-agent instinct), he took pains to put his side of a public controversy before the humorist from his own viewpoint early in the game—as, for instance, in the coal strike of 1896.

new Northern Securities Company—with the Harriman interests admitted to a secure place in the directorate. This result was consummated only a few days after Roosevelt became President.

Now the Northern Securities corporation was a "holding company," a device then recently invented by the legal servitors of the older trusts, to accomplish under the laws regarding corporations what the unincorporated trusts had been forbidden to do—and this railroad consolidation was the most tremendous application of the device that had been seen. Roosevelt looked upon it, properly enough, as a mere tricky defiance of the law that he was sworn to administer. It stirred him in every fiber that those men of great wealth should feel themselves powerful enough to ignore the plain intent of a law of the government of the United States—of which government, just then, Theodore Roosevelt was the embodiment. The honest dismay of the railway magnates at his "interference" was expressed in a private letter of James J. Hill (page 750): "It really seems hard, when we look back on what we have done in opening the country and carrying at the lowest rates, that we should be compelled to fight for our lives against political adventurers who have never done anything but pose and draw a salary"; but progressives, the country over, exulted, with the *Detroit Free Press*—"Wall Street is paralyzed that a President of the United States should sink so low as to try to enforce the law."

The government won its case, after the inevitable months of legal delays, and it won also most of the forty-odd similar prosecutions that were quickly begun by it. True, the corporation lawyers soon found other means to preserve for their clients the main fruits of combination (pages 751, 757), and no great aggregation of capital suffered serious check. Still, the seven years of Roosevelt mark an era in popular feeling on the matter. In public addresses in all parts of the country, as

well as in forceful articles written for periodicals, the strenuous President denounced in startling terms the insolence and criminal greed of various aggregations of capital, and roused the nation as never before to the need of action. "Trust busting" became not merely a respectable but a patriotic diversion, in the mind of the great middle class of small capitalists.

Roosevelt's achievements in foreign affairs have been treated earlier in this volume, and also his settlement at home of the anthracite coal strike, and his revival of the Interstate Commerce Commission by the Hepburn Amendment. *The Jungle* (page 666) <sup>6</sup> stirred the President to an investigation of the scandalous conditions in the Chicago stockyards, and there finally resulted from this agitation (and from other forces already in motion) a Pure Food Law forbidding interstate commerce in adulterated foods. Said Roosevelt in one of his catchy phrases, "No man may poison the public for private gain." <sup>7</sup>

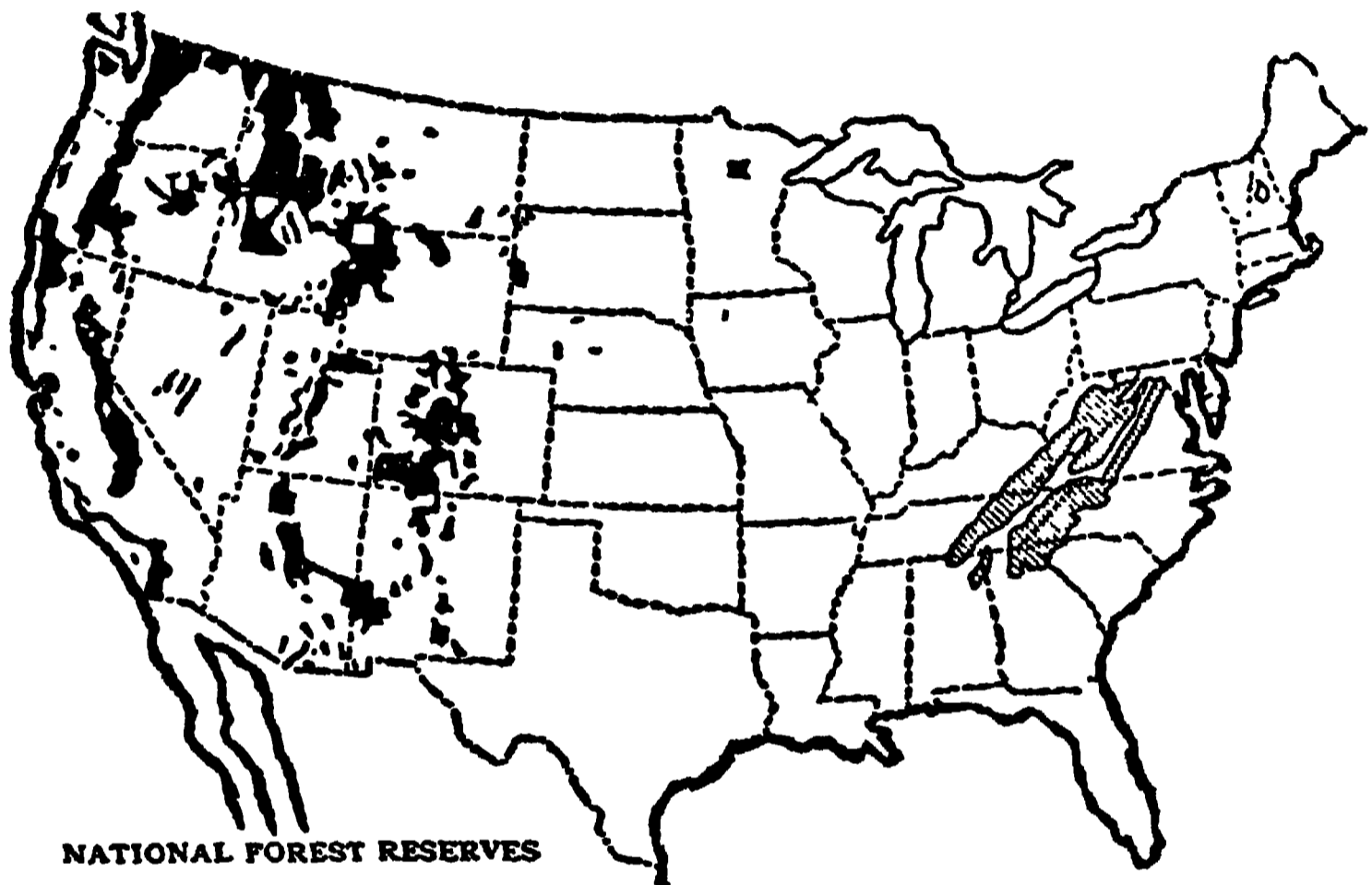
More important, probably, than any of these things, was the new emphasis given to the "conservation of natural resources"—a policy formulated by Gifford Pinchot and popularized by the President.

Our timber was fast disappearing (page 678), and with it the springs and waters that had been protected by the shade and loose soil of forest regions. Roosevelt set aside 148,000,000 acres of forest lands as public reservations—three and a half times as much as had been "reserved" in the preceding

<sup>6</sup> Upton Sinclair said in disgust afterward that he had sought to move the heart of the American people, by depicting the wrongs of the workers in the stockyards, but had succeeded only in stirring up its stomach—for the protection of its own food.

<sup>7</sup> While on the other hand, Senator Aldrich of Rhode Island, Old Guard leader, resisted the enactment of the law on the ground that it would interfere with "personal liberty"—the liberty, presumably, of a man to be poisoned by falsely labeled goods!

ten years—since such action had been authorized by Congress in 1891.<sup>8</sup> He also induced Congress to establish a forestry service, which, under the able management of Pinchot, whom Roosevelt appointed Chief Forester, quickly became one of the most invaluable branches of the public service.



This map and the one on page 805, when compared with the Railroad Grant map on page 640, give some measure of the changed attitude of the public in the matter of conservation of natural resources.

One incident in Roosevelt's conservation policy, shows him in a characteristic light. The President has power to withdraw any public land from sale or homesteading, unless Congress has expressly provided otherwise. A greedy group of capitalists wanted to secure certain valuable timber lands that they

<sup>8</sup>The authority under which Roosevelt acted had been slipped into the law, without much attention from Congress, by a few enthusiasts who builded much better than they themselves dreamed. The only important action under that law, before Roosevelt, had been taken by Cleveland, in reserving 25 million acres for the San Joaquin national forest. The total area of such reservations now (nearly all of them Roosevelt's work) is about 200 million acres. This is a much larger extent of land than the total area of any European country except Russia, and it just about equals the total area of homestead grants or of our national grants of railroad lands.

knew the President planned to withdraw from entry. So they persuaded Congress to tack on a "rider" to an important appropriation bill forbidding the withdrawal of 16,000,000 acres. Congress adjourned, in glee, supposing it had checkmated the



Irrigation Projects of the Federal Government

strenuous President. The government had to have the appropriation, and so Roosevelt could not afford to veto the bill. But during the ten days allowed him before signing it, he first prepared and signed the necessary papers to withdraw the

lands. Then, when the bill became law, the robber clause was of no effect.

Roosevelt also began government reclamation of dry lands. Private irrigation companies had already accomplished a good deal in many small localities, but it was plain that much more could be done in our dry regions by building bigger dams and using the water, so stored up, under one central management. In 1902, the Newlands Act provided that in sixteen Western states all the proceeds from public land sales should thereafter be used for government irrigation in those states. Before the close of Roosevelt's seven years in the Presidency, seventy million dollars had been invested in twenty-eight different irrigation projects (map on page 805)—redeeming in all about two million acres for cultivation. Today nearly twenty million acres of irrigated lands are under cultivation.

Naturally enough, Roosevelt was attacked bitterly by various powerful influences as a "disturber of prosperity," but he won a hold upon the nation such as no other Presidents had approached, with the exception of Washington, Jefferson, Jackson, and Lincoln. At the same time extreme radicals disliked his aggressive foreign policy and his inclination to paternalistic despotism at home. Such critics pointed out (1) that he used his tremendous personal and official power to aid no other real "progressive" in any of the many state contests with Privilege; (2) that his trust prosecutions had not hurt any money king; (3) that he had intimate personal relations with some of the trust magnates—heads of what he chose to call "good trusts"; (4) that during his seven years the number of trusts had greatly multiplied and their capitalization vastly increased, along with the new device of concentrating power by the system of interlocking directorates (page 757); and (5) that he had as yet taken no stand to reform the tariff, in which his "good trusts" were deeply interested.

In October, 1907, the Knickerbocker Trust Company in

New York failed, from speculation and dishonest management, and brought down with it a group of banks supposed to be strong. This began the "panic of 1907." Wall Street, and "Big Business" generally, attributed the panic to "Theodore the Meddler," who, they asserted, had destroyed public confidence by his attacks upon the commercial interests. Many radicals, on the other hand, claimed that Big Business had "manufactured" the panic, in order to intimidate the President and other reformers into keeping hands off. In any case, for once, the cry "It hurts business" failed to check the current for reform.



Roosevelt thought his Secretary of War, William Howard Taft, especially fitted to carry on his reforms, and, in 1908, he forced Taft upon the Republicans as his successor. The Democrats nominated Bryan for the third time. Between the Roosevelt Republicans of that time and the Bryan Democrats there were many points of sympathy—despite the antipathy of the two leaders for each other—while within both Republican and Democratic parties a large class was bitterly opposed to these reform policies, and desired a return to the older attitude of the government as a promoter of business prosperity rather than of human welfare. Owing to the general confidence of large masses in Roosevelt, and to the aid given the Republicans by aggregated wealth, Taft was elected overwhelmingly.

Mr. Taft's four years in the Presidency were probably the least satisfactory to himself, and least profitable to the public, of a long, honorable, unselfish, and highly useful career, before and since. As Roosevelt's Secretary of War, Mr. Taft had been a loyal subordinate; but now it soon appeared that he himself believed little in the "Roosevelt policies" and less in the Roosevelt methods.

A group of capitalists had been trying to monopolize the min-

eral wealth of Alaska, in part by fraudulent entries. Roosevelt had checked the proceeding by temporarily withdrawing the lands from entry. Richard Ballinger had been the attorney of the grasping ring of capitalists, and previously had served them with information even while in the service of the government. President Taft was induced to appoint this man his Secretary of the Interior, and it seemed as though the grab would then go through under his sanction. The President even dismissed from office both Pinchot (a devoted public servant and a man of high standing in the nation) and also Louis Glavis, a subordinate of Ballinger, whose fealty to his country led him (with necessary disregard for official etiquette) to make public certain plans of his chief to give away large parts of the nation's wealth. Happily, the sacrifice of Glavis, the war waged month after month by *Collier's Weekly*, and the consequent Congressional investigation (even though by a packed committee) compelled Ballinger to resign, and saved the Alaskan wealth for the nation—for the grants from the public domain to which Glavis had objected were afterward cancelled by the federal judiciary.

No one suspected the President of corrupt motives, but it was plain that corrupt interests had his ear. During this same time, too, the President was using his vast power of patronage to injure progressive Congressmen in their home districts.

Another public clash between President Taft and the Progressives came on the tariff question. The Republican platform of 1908 had declared for a thoroughgoing revision of the Dingley Tariff (page 705), asserting that duties ought only to "equal the difference between the cost of production at home and abroad, together with a reasonable profit for American industries."<sup>9</sup> Mr. Taft had waged his campaign largely on

<sup>9</sup> Somewhat more definitely, the Democratic platform declared for immediate reduction of duties on necessities and for placing on the "free list" all "articles entering into competition with trust-controlled products."

definite pledges for tariff reduction, but shrewd observers doubted whether the politicians of the party were not too thoroughly in the grip of the trusts to make any real inroad upon the protected interests. The result justified skeptical prophecies that any revision by the Republican machine of that day would be a revision upward. The Payne-Aldrich Tariff of 1909, while making improvements at a few points, actually aggravated the evils which the nation had expected to have remedied. It was a brazen mockery of party pledges in the campaign. The House committee, which framed the bill, was notorious, made up, almost to a man, of representatives of beneficiaries of protection—a clear case of turning the place of sheep dogs over to wolves.

The bill and the committee were attacked fiercely by a great number of the more independent Republican papers and leaders; <sup>10</sup> but the great body of Republican Congressmen, it was soon clear, would "stand pat" for the "System." A progressive section then broke away in a definite "Insurgent" movement. In the House, the "System" Speaker, "Uncle Joe" Cannon, aided by the necessary number of "System" Democrats, easily forced the bill through, with brief consideration. In the Senate, whose rules did not permit debate to be muzzled, insurgent Republican leaders exposed mercilessly the atrocities of the measure, though they could not hinder its finally becoming law. Then the compliant President, in attempts to defend his "Stand-pat" friends from public criticism, declared it the best tariff ever enacted!

The Congressional election of the next year, (1910) was a "turnover." The overwhelming Republican majority was wiped out by as large a Democratic majority, and, in various "impregnable" Republican districts, Insurgents succeeded Stand-patters. Even in the slowly changing Senate, Demo-

<sup>10</sup>"Schedule K," it was pointed out, for instance, retained in full the monopolistic protection for woolen manufacturers—who had been making a profit of 50 per cent a year. Even the President called this Schedule "indefensible."

crats and Insurgents together mustered a clear majority. Some progressive legislation was now enacted—for which administration spokesmen afterward sought to claim credit. A Parcel Post Law, like those long in use in European countries, struck down the monopoly of the great express companies (page 000); the admirable Children's Bureau was added to the government machinery; and constitutional amendments were at last submitted to the people providing for income taxes and direct election of Senators.

Forty-five years had elapsed since the ratification of the Civil War amendments, and sixty years passed between those and the nearest preceding amendment, despite the rapidly changing needs of the nineteenth century. The first ten amendments, too, were really part of a bargain that secured the ratification of the Constitution itself; the eleventh and twelfth resulted from fear of civil war; and the thirteenth, fourteenth, and fifteenth were secured by war. The sixteenth and seventeenth were the only "normal" amendments in the first century and a quarter of our national history. The later eighteenth and nineteenth came more or less as a result of the World War. These facts, together with the indirect devices to which we have been driven, suggest that our process for written amendment is too difficult.



In 1912, Roosevelt announced himself a candidate against Taft for the Republican nomination. There followed a bitter campaign of disgraceful recrimination between the President and his former friend and chief. In thirteen states, Republican voters could express their choice for a candidate in direct primaries (page 789). Roosevelt carried nine of these; La Follette, two; and Taft, two. President Taft, however, controlled the solid mass of Southern delegates and the machinery of the National Convention. The credentials committee "threw out" many Roosevelt delegations from states where there were

“contests,” and Taft won the nomination. Roosevelt declared it “a bare-faced steal,” asserted that no honest man could vote for a ticket “based on dishonor,” and called a mass meeting of progressives to organize a new party.

Meantime, the Democratic Convention, in session for nine days at Baltimore, made significant history. In this party, too, the preceding campaign had been a bitter contest between open progressives and more or less secret reactionaries. When the Convention met, the old bosses were in control of a majority of votes. They made plain their intention to organize the meeting in their interest by putting forward for the temporary chairmanship a well-known conservative against Mr. Bryan. But Bryan, who declined to be a candidate for the presidency again, now stepped forward, on the floor of the Convention, as a courageous and skillful champion of the progressive element, and finally wrested control from the bosses.

Bryan had first appealed to the candidates for the presidential nomination to oppose the bosses’ choice for chairman—a man “conspicuously identified, in the eyes of the public, with the reactionary element.” All candidates but one evaded this test, pleading for harmony. Woodrow Wilson frankly approved Bryan’s purpose, and so stood forth, even more clearly than before, as the true candidate of the progressive element. The bosses seated their man for chairman, but the Democratic masses throughout the country shouted (and wired) approval of Bryan and Wilson.

Next Mr. Bryan startled the meeting by a daring resolution—declaring the Convention opposed to the nomination of any candidate “who is the representative of, or under obligations to, J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privilege-hunting and favor-seeking class.” “No sense of politeness,” added Bryan, “shall prevent me from making clear to the country that an effort is being made right now to sell the Democratic party into bondage to the predatory interests.” Two of the gentlemen named

in the resolution sat in the Convention; but few delegates ventured to vote against it.

The bosses' candidate for the Presidential nomination at one time had a majority of the delegates, but the Democratic rule required a two-thirds majority. As the balloting proceeded slowly day after day, Wilson gained steadily, mainly because of thousands of telegrams from "the people at home," threatening, urging, imploring their representatives to support Bryan's leadership and Wilson's candidacy. On the forty-sixth ballot Wilson was nominated. The progressive element, which had failed in the Republican Convention, had conquered in the Democratic.

Soon another progressive ticket was in the field. Roosevelt's friends proceeded with their new organization, took the name "the Progressive party," and nominated Roosevelt upon a radical platform which declared for Woman Suffrage and for "the recall of judicial decisions" by a popular referendum. Many ardent reformers rallied to this long-desired opportunity for a new alignment in politics, but a large number of their old associates felt that the movement was too much dominated by one man's ambition, and that it was ill-timed at best when the Baltimore nomination had offered so admirable an opportunity to progressive forces.

Wilson was elected by a larger electoral plurality than any President had ever had: Wilson, 435; Roosevelt, 88; Taft, 8. Wilson's popular vote exceeded that of Roosevelt by over two million; and Roosevelt's was nearly 700,000 more than Taft's. At the same time, it was plain that the result was due to the split in the Republican party. Mr. Wilson was far from getting a popular majority: indeed, he had fewer votes than the defeated Bryan had four years before.



Mr. Wilson's first two years (1913-1914) saw a remarkable record of political promises fulfilled. He called Congress at

once in a special session, and kept it at work continuously for almost the whole twenty-four months. The three great problems were the Tariff, the Currency, and the Trusts. Each was dealt with in a determined spirit to benefit the plain people.

The Underwood Tariff was a genuine "revision downward" (to a level lower than had been known since 1862—from an average of 49 to an average of 27 per cent on the value of the imports). Its making was at least less influenced by great "special interests" than that of any tariff since the Civil War, and an accompanying income tax placed a larger part of the support of the government upon the rich.

The new tariff made nearly 1,000 reductions in rates. Most of these were on articles of necessary or very common use. Costly luxuries were not affected. Business had wailed "Ruin"; but it quickly accepted the new situation—although protectionists afterward argued that the avoidance of disaster was due only to the artificial protection soon provided by the European war.

The Federal Reserve Act revised the banking laws, made the currency of the country more elastic, and checked the possibility of its being controlled by the "money trust." A few months later (July, 1914) the unexpected outbreak of the European war closed the great money centers of the world without warning; but in this country no bank felt obliged to call its loans. Many of the great banks which had cried "Ruin" at the prospect of this law soon became its warm supporters, and admirers claim that it has made the old-fashioned "panic" almost impossible. The law divides the country into twelve districts with a Federal Reserve Bank in each, all under the supervision of a central board at Washington. These banks do not do business with individuals, but with other banks in their respective districts, issuing paper money, or withdrawing it from circulation, as seems to fit the needs of the country's business.

A Federal Trade Commission was created, to investigate complaints of unfair dealing by large concerns toward smaller

competitors and to provide helpful information and advice when appealed to by legitimate business. (This branch of the government was designed to hold a place in the field of trade much like that of the great Interstate Commerce Commission in the field of transportation. Its later history and its troubles have been referred to on page 759.)

The Clayton Anti-Trust Act sought to check the evil of "interlocking directorates" (page 751), and it certainly gave the courts clearer rules than they had had before for dealing with trust offenses. Quite as important was a much-needed protection given to labor unions. The courts had begun to threaten unions with punishment for strikes, under the provision of the Sherman law against "conspiracies in restraint of trade." The Clayton Act expressly exempted labor combinations from such prosecution. "The labor of a human being," runs this noble statute, "is not an article of commerce." There followed also a clear declaration that strikes, peaceful "picketing," and boycotting are not contrary to the laws of the United States. Equally pleasing to labor was another attempt in the same law to check the tendency to "government by injunction." But the courts have since so interpreted these "labor provisions" as to render them of little effect.

President Wilson had long been known as a leading American scholar, a brilliant writer, and a great teacher and university president, but his warmest admirers had hardly hoped for such efficient leadership from "the schoolmaster in politics." This splendid constructive record was his work. Much of the legislation he planned in detail; all of it he helped plan; and he carried it all to victory by a party long unused to union. He won his victory, too, not by abusing his power of patronage to keep Congressmen in line, but by sheer skill and force of character, aided by the general consciousness in Congress that the nation was rallying to his program.

The second half of this first term was darkened and confused by terrible foreign complications (page 817 f.), but these years, too, saw sound progress in domestic reform. A Good Roads Law offered national aid to the states in building roads, so as to bring the farmer's market nearer to him. The Smith-Lever Agricultural Education Act offered coöperation with the states in teaching the farmer how to use the soil more profitably. The Rural Credits' Law made the first attempt in our history to get for the farmer the credit and the low interest commonly enjoyed by other business interests. The Railroad Eight-Hour Law, hastily as it was enacted (page 771), saved the country from unspeakable calamity and once more proved the President's sympathy with labor. A Workman's Compensation Law (page 776), of the most advanced character, was made to apply to all federal employees. And the Child Labor Law (page 774) began the attempt to coerce backward states into freeing children from crushing toil in factories and mines.

Foreign perils, however, were the chief mark of President Wilson's second two years—foreign perils more complicated and threatening than any President before him had had to face. For years Mexico had been weltering in political assassination and revolution. Finally the "Constitutionalist" chief, Carranza, became master; remained so much longer than any recent predecessor, largely because of prompt recognition by the United States; and set himself stubbornly to the gigantic task of rebuilding his country, with at first much show of progress. He did not prove able, it is true, to keep down revolt and brigandage in remote mountainous districts or on the American border. The Mexican people both hated and feared the Americans; and bandits who repeatedly took American citizens from railroad trains to murder them, and who raided American towns across the border with every form of outrage, were always sheltered among their own people. To one who knows only this side of the story it would seem that few wars

have had more provocation than Mexico offered the United States.

On the other hand, lawless and violent Americans along the frontier were guilty of numerous outrages on unprotected Mexican soil, of which the mass of Americans never heard. Great American "interests," too, hungry to seize for themselves raw wealth of oil and rubber, which Carranza was seeking to keep for a people's inheritance, constantly clamored for American intervention to "restore order" in Mexico. The skillful propaganda of these interests was the more dangerous because a deplorably large part of American society, with its customary harsh contempt for alien peoples, felt that sooner or later we must "clean up" Mexico by taking it away from a race incapable of civilization. But President Wilson, with a noble sympathy for a distressed people feeling its way stumblingly toward a national life, held resolutely to a policy of "watchful waiting," and charged publicly that Mexican disorders were due largely to secret incitement and support from American interests determined to embroil the two countries. Critics derided his policy bitterly as responsible for the unavenged murder of American citizens. Admirers declared it right and wise. Nothing else, they urged, could have done so much to allay the ancient distrust felt toward us by all our Latin-American neighbors, whose friendship we so much desire. At the same time the Carranza government persisted in expressing bitter distrust of President Wilson, partly perhaps because on two occasions of extreme provocation he so far abandoned his general policy as to send troops into Mexico—in both cases with little result.

Meantime in the Old World heavier clouds had long been massing; and in July of 1914 had come a flash to set the world ablaze—from the policy of the Austrian Empire toward *her* troublesome "Mexico," Serbia. American history now becomes entangled inextricably with the complex web of world history.

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## Part Eleven

### The World War and Since

*American history now becomes entangled inextricably with the complex web of world history.*



Woodrow Wilson

"THE WORLD MUST BE MADE  
SAFE FOR DEMOCRACY."

## CHAPTER XLI

### HOW THE WAR CAME

*From whence come wars and fightings among you? Come they not hence, even of your lusts that war in your members? Ye lust and have not: ye kill, and desire to have, and cannot obtain.—EPISTLE OF JAMES, iv.*

#### MATERIALS FOR CONFLAGRATION

**W**ITHIN each industrial nation, we know, as in our own, recent decades have seen a growing struggle for wealth and power between individuals and between classes. Such intranational competition, however, is ameliorated by the fact that it is intranational. There are legislatures to prescribe rules of the game, and courts to arbitrate disputes; and so, even in the threatening class struggle, we can postpone, and perhaps ultimately avoid, a fatal clash.

Civilization is endangered more immediately by a like competition between nations themselves. In 1900 the world held some fifty of these larger "individuals," engaged (all that were strong enough to risk it) in a precisely similar struggle for wealth and power. And for them there was no higher arbiter, no common legislature, to soften the brutal maxim, "The race is to the strong, and the Devil take the hindmost."

From the violent growth of the old Egyptian and Assyrian empires down to the present time, most wars have grown out of rivalries to control trade routes and markets, but such wars have been especially numerous since Columbus and Da Gama disclosed to little but mighty Europe the vast prizes of new worlds east and west. Promptly each European power set about seizing the largest possible part of the world's raw materials for its factories, and the largest markets for its fac-

tory output. In the eighteenth century, this rivalry became world-wide war. From 1689 to 1815, France and England wrestled incessantly for world empire, grappling on every continent and every sea, while, as allies of this one or of that, the other powers grasped at crumbs of European booty, and—more distant but more directly involved—black men speared one another on the banks of the Senegal, red men scalped one another on the shores of the Great Lakes, and the native populations of ancient India trampled one another under the feet of trumpeting elephants.

The close saw France almost stripped of her dependencies, and the surviving Spanish and Dutch colonial empires plainly in decay. For seventy years after Waterloo, England was left without an aggressive rival for world dominion.

But steam and electricity were drawing the globe's most distant provinces into intimate unity, and the Industrial Revolution was spreading. That "Revolution" had transformed England by 1800 and the United States by 1825 (page 478 f.). By 1840 it had reached France; before 1870 it invaded Germany; and ere long it began to energize inert Russia. Our modern civilization is based in numberless ways upon this new industrialism, and the life blood of this industrial system is trade: trade not only with other civilized nations, but also for the products of tropical and subtropical regions, where, a few years ago, no strong state existed, and where, accordingly, civilized capitalists found the best chances to exploit raw wealth—including the labor of defenseless human beings.

Soon after 1880, therefore, the other European countries roused themselves, and the next quarter-century saw a mad scramble between Germany, France, and the partially sated England for the world's remaining rich provinces defended only by "inferior" races, especially in Africa and southern and eastern Asia. Meanwhile the United States, busied till then in appropriating her own vast continent from ocean to

ocean, began to reach out for the islands of the sea, while Russia accelerated her century-long expansion toward India and toward ice-free Pacific ports—until checked by Japan.

Under existing conditions it is futile to blame a nation for entering the struggle. The blame lies in the amazing fact that no nation made any determined and intelligent effort to change these conditions so as to abolish commercial cannibalism. Rightly seen, the raw wealth of the globe belongs to no one or two arbitrary divisions of the globe's population: it is the heritage of the whole world, present and to come; and there must be a world organization to see it properly safeguarded and utilized. True, this is much to ask of a world in which each nation still permits grasping individuals to engross natural wealth that should belong to all its people. But if the task is great, so is the peril in not accomplishing it. The alternative is ruin. The hope that we may achieve a world federation to save civilization, lies in the old imperative, "We can, because we must."

This nineteenth-century exploitation, however, unlike that of the eighteenth, had been carried forward at the expense of savage or semi-barbarous peoples only. For a hundred years there had been no "great" war between "Christian" nations waged openly for greed.<sup>1</sup> Indeed, toward the close, whenever one nation made an important seizure of booty, some international conference arranged compensatory gains for any seriously discontented rival—and so preserved temporarily a delicate "balance" of interests.

But this balance was one of exceedingly unstable equilibrium. A touch might tip it into universal ruin. And there were no materials to continue adjusting it on the old plan.

<sup>1</sup> The Crimean and Spanish-American wars were not *avowedly* for empire. The Mexican War is more to the point; but it was a trifling struggle, and much of the world was ready to acquiesce in a too common American opinion that the weak and disorganized Mexicans had no rights that a powerful neighbor was bound to respect.

The world was now parceled out. Further expansion of consequence by any "power" meant direct conflict with some other "power." Moreover, so complicated had rivalries and alliances become, any conflict at all now meant a world conflict; and, so "improved" were agencies of destruction, a world struggle now meant ruin out of all comparison with earlier wars.

Today this is plain enough. But until the late summer of 1914 the certain danger (and the only way of escape) was glimpsed but dimly and by only a few "dreamers." Complacently the peoples and their "practical" statesmen continued to drift on the brink of unparalleled disaster. It seems now almost incredible that a world inhabited by rational beings should not at least have made some determined effort to prepare for peace; but in plain fact (apart from the rather empty gestures discussed on page 736) the mightier nations merely hastened the catastrophe by preparing only for war.



By 1910, Europe had aligned itself in two camps. After the German Bismarck had crushed France in the Franco-Prussian War of 1871, he formed an alliance between the new German Empire and Austria, to guard the fruits of his victory. Soon he added Italy to this league (making it the Triple Alliance), since that country was deeply jealous of French empire in Africa. Then France and Russia, each isolated in Europe, drew together into an alliance, and, shortly after 1900, the addition of England made this league the Triple Entente. (Russia was Austria's rival in the Balkans; and France wanted to recover Alsace-Lorraine from Germany. England did not bind herself by formal treaty to aid in war, but, from having been her rivals, France and Russia had become her friends, while she had begun to look uneasily at Germany's growing navy.)

Each of the two huge leagues always protested that its aim was peace. No doubt most men in both groups of countries

did shrink from precipitating a conflict between such enormous forces under the new conditions of army organization, quick transportation, and deadly explosives. For a half-century, except for the minor struggles in the half-savage Balkans, Europe rested in an "armed peace." But this "peace" was based upon fear, and its armaments bore with crushing weight upon the workers of the world. Year by year, each alliance strove to make its armies and navies mightier than the other's. Huge cannon were invented, only to be cast into the scrap heap for still huger ones. A dreadnaught costing millions was scrapped in a few months for some costlier design. Among the great nations, too, only England (trusting to her navy) and America (trusting to her ocean moats) were free from the burden of universal military service.

This vast preparation for war was also a constant temptation to war. In every large country on the continent of Europe thousands of ambitious young officers were always looking forward eagerly to war for a chance to justify their cost to the nation and to win promotion for themselves. A mighty military establishment, too, especially if a matter of national pride, develops "militarism"—a disposition in the heart of the people to trust to force in dealing with other nations, rather than to good-will and reason.

It is impossible, then, to lay the blame for the World War justly upon one nation. All were guilty. But it remains true that, while Germany had at least as much of economic imperialism as any country of the time, she had more militarism. In no other great nation was there so much admiration for the army or so much subserviency to it among the civilian population, or so much talk, in press and pulpit and school and among the rulers, about "our good sword," "rattling our sword in the scabbard" (to intimidate neighboring nations), "shining armor," "the God of Battles," and the righteousness and beauty and inevitability of war. Nor was any other so com-

pletely ready for war at a day's notice. Then, too, because of this dominant militarism, the autocratic German government had been the main obstacle in the Hague Congresses in the way of efforts to find a substitute for war.<sup>2</sup>

### THE BALKAN FUSE

Here were heaped materials for a world conflagration: a growing economic imperialism and a prevalent militarism, with certain inflammable attitudes of mind among the European peoples—fear and envy and ancient hatreds. A fuse was found in the Balkan situation. The little Balkan district is a crumpled criss-cross of interlacing mountains and valleys, peopled in 1900 by tangled fragments of six distinct and mutually antagonistic peoples: the Turk, long encamped as a conqueror among subject Christian populations, but for the last hundred years slowly thrust back toward Constantinople; the Greeks, mainly in the southern peninsula, with the Albanians just to the north along the Adriatic; the Roumanians, mainly north of the Danube; and, between Greece and Roumania, the Bulgarians and Serbs. The "Bulgars" (on the east, toward the Black Sea) came into the peninsula as conquerors from Central Asia in the eighth century. Originally baggy-trouserred nomads, akin to Tartars, they have become essentially Slavic in blood by absorption into the peoples among whom they settled, but they keep a ruinous "patriotic" pride in their ancient history as a race of conquerors. The Serbs are the most direct representatives of the South Slavs who conquered and settled the Balkan region two hundred years before

<sup>2</sup> The absence of Germany's name from standing treaties of arbitration, and her opposition to proposals for disarmament were recognized at the time as ominous. After the war (February 14, 1919), Brockdorff-Rantzau, the first Foreign Secretary of the new German Republic, said to the German National Assembly: "We recognize that our attitude at the Hague Conferences in these two fundamental questions [arbitration and disarmament] was a historical wrong, for which our whole people now have to pay." (This frank statement was part of an impressive denial of Germany's *sole* guilt for the war.)

the appearance of the Bulgars, but in 1910 their ancient empire was still in fragments from accidents of Turkish rule. Bosnia, the northwestern part, had maintained itself longest against the conquering Turk, and, having then become a distinct province under the Turks, had never been reunited to the rest of Serbia. The lands of the Croats and Slovenes were reconquered from Turkey by Hungary in the eighteenth century, and had long been subject provinces of the Austrian Empire, though they belonged to Serbia by race, language, and older history. And in the fastnesses of Montenegro ("Black Mountain") dwelt some two hundred thousand half-savage Serbs who had never yielded to the Turk but had kept their independence at the expense of "five hundred years of ferocious heroism."

About a century ago the rule of the Turk in the Balkans began to disintegrate. Greece won independence in an eight-year war (1821-1828), and Roumania and Serbia were advanced to the position of merely tributary states, ruled thenceforth by their own princes. The Crimean War (1856), in which France and England attacked Russia, bolstered up the tottering Ottoman Empire for a time, but in 1875-1876 the Bosnians and Bulgarians rose for independence. There followed the horrible events long known as the "Bulgarian Atrocities." Turkish soldiers destroyed a hundred Bulgarian villages with every form of devilish torture imaginable, and massacred 30,000 people, carrying off also thousands of Christian girls into slavery. Then Serbia sprang to arms, and Tsar Alexander II of Russia declared war on Turkey. The horror in western Europe at the crimes of the Turk prevented for a time any interference, and in ten months the Russian armies held the Turks at their mercy. The Peace of San Stefano (1878) arranged for a group of free Slav states in the peninsula and for the exclusion of Turkey from Europe except for the city of Constantinople.

Alexander would probably have kept on to secure Con-

stantinople, had he not seen a growing danger of European interference. And even now Europe did intervene. Austria wanted a share of Balkan plunder; England feared the advance of Russia toward her communications with India; and so the Peace of San Stefano was torn up. The Congress of Berlin (1878), dominated by Disraeli, the English Conservative, restored half the freed Christian populations to their old slavery under the Turk; handed over Bosnia to Austria to "administer" for Turkey, with a solemn provision that Austria should never annex the territory to her own realms; and left the whole Balkan district in anarchy for a third of a century more. In fixing responsibility for the World War of 1914, this crime of 1878 cannot be overlooked.

It is only fair to note that while the English government was chiefly responsible for that crime, the English people promptly repudiated it at the polls. The aging Gladstone came forth from retirement to stump England against the "shameful alliance with Abdul the Assassin," and at the next elections (1880), Disraeli was overthrown by huge majorities. From this time England drew away from her old policy of courting Turkish friendship—wherein her place was quickly taken by Germany.

No part of her non-European empire interested German ambition so deeply as her advance into Asia Minor. This began in earnest about 1900. Germany did not acquire actual title to territory there, but she did secure from Turkey various rich "concessions," guaranteeing her for long periods the sole right to build and operate great railroads and to develop valuable mining and oil properties, and this "economic penetration" she intended confidently to turn into political sovereignty.

To obtain such concessions, Germany had sought the Turk's favor in shameful ways. She loaned to the Sultan German officers to reorganize and drill the Turkish armies, and sup-

plied him with the most modern arms to keep down the rising Christian natives under his yoke—as in the Turkish war with Greece for Crete in 1897. And in 1895 when new Armenian massacres had roused England (precisely as Spanish massacres in Cuba some two years later aroused the United States) so that great public meetings were calling for war upon Turkey, Kaiser Wilhelm sent to the Sultan his photograph and that of his wife, as a pledge of German friendship and support.

The prospect of German dominance in Asia Minor brought Germany and Austria into closer sympathy in their Balkan policies. Austria's interference in those regions had been purely bad, aiming to keep the little Balkan states weak and mutually hostile, and especially to prevent the growth of a "Greater Serbia." Now (1898, 1899), Germany obtained concessions from Turkey for a railway from "Berlin to Bagdad," to open up the fabulously rich Oriental trade. A powerful Serbia, through which that line must pass, might have hampered the project. Thenceforward Germany was ready to back Austria unreservedly in Balkan aggression. And in return, Austria permitted herself to sink virtually into a vassal state of Germany in all other foreign relations. Such was the origin of the Teutonic dream of a "Mittel-Europa" empire, reaching across Europe from the North Sea to the Aegean and the Black seas, and on through Asia Minor to the Euphrates and the Gulf of Persia.

In 1908 came a step toward fulfilling the plan. Taking advantage of internal dissensions in Turkey, Austria formally annexed Bosnia, in flat contradiction to her solemn pledges. This was not only a brutal stroke at the sanctity of treaties, but it seemed also a fatal blow to any hope for a reunion of that Slav district with Serbia. Serbia protested earnestly, and was supported by Russia. But the German Kaiser "took his stand in shining armor by the side of his ally," as he himself put it; and Russia, still weak from her defeat by Japan and from her revolution of 1906, had to back down. Serbia was

then forced by Austria's rough threats to make humiliating apologies, but a network of secret societies at once grew up in Serbia pledged to hostility to the "odious and greedy northern neighbor who holds millions of Serb brothers in chains." Bosnia, too, seethed with conspiracies against Austrian rule.

And now Russia began to take on huge responsibility for future war. The Tsar probably wished peace. But he was a weak man, and some of his ministers undoubtedly plotted to use the Balkan disorders of those years as an excuse (if they could make sure of French backing) for seizing Constantinople. In 1911-1913 such Russian "statesmen" carried on secret "conversations" with French statesmen, especially with Poincaré, who was then for a time minister of foreign affairs. In his own account Poincaré insists that such negotiations on his part never looked to bringing on war, but only to what should be done (and perhaps how spoils should be divided) if Germany and Austria forced war upon the Dual Alliance—as he confesses he thought almost certain to happen. The German government learned of these negotiations, and assumed that France and Russia were planning an attack. Early in 1914, the Kaiser announced repeatedly that war with France and Russia in the near future was inevitable. The American Colonel House, in Berlin in May on a diplomatic mission from President Wilson, was appalled at the dominance there of the war spirit. "The whole of Germany," he wrote, "is charged with electricity. It needs only a spark to set the whole thing off." And, of course, the new warlike utterances of the German government confirmed French statesmen in their fears of an attack from Germany.

And so on and on, in a vicious circle. Nowhere in the world was there any organization to break in and bring these fearful and suspicious governments into honest touch with one another, around a table, for full and fair discussion. Nowhere was there any power to insure any one of them against destruc-

tion by a sudden attack on the part of the others. It was really this "European anarchy," as G. Lowes Dickinson says, that made war inevitable sooner or later; "and the part played by this or that statesman in postponing or accelerating it is a matter of secondary importance."



Then, on June 28, 1914, fell the fatal spark. The heir to the Austrian throne, while in Bosnia, was assassinated, along with his wife, by Bosnian and Serb conspirators.

Austrian papers declared Serbia responsible for this dastardly murder, inasmuch as she had not tried to suppress societies of anti-Austrian conspirators within her borders, and the Austrian government obtained from the German Kaiser a secret promise of support "to the hilt" in whatever action it might decide to take. On July 23, fortified by this "blank check," Austria launched a forty-eight hour ultimatum against Serbia—with demands that would have degraded that country into a vassal and which, the minutes of the Austrian cabinet acknowledge, were intentionally made impossible of acceptance.

In twelve days a world conflagration was ablaze. Austria, in world opinion, was entitled to reparation from Serbia. Accordingly, England persuaded Serbia to offer humble submission (reserving only her independence as a nation), and then implored Germany to get Austria's consent to arbitrate remaining points. Failing in this, England pleaded that Germany herself suggest a plan to keep peace. But Germany's only peace plan was to "localize" the war by an agreement among the powers to give Austria her will with Serbia. Apart from all thought of justice to small nations, it was certain that Russia would never consent to this—for if she did, the small Slav peoples would never again trust her leadership.

So, July 29, when Austrian cannon were already battering Serbia's capital, Russia began to mobilize—and the Tsar's ministers tricked their master into making a *general* mobiliza-

tion out of what he had planned only as a partial one, against Austria. General Russian mobilization could not but seem threatening to Germany. So, on July 31, in order to strike at once before the unwieldy Russian giant could be ready, Germany gave Russia twelve hours to stop mobilization or accept war. An even more insulting ultimatum to France followed.

On August 3, German armies invaded Belgium, as the quickest road to Paris, in spite of treaty obligations to respect the neutrality of that land.<sup>3</sup> On the same day England "went in," as her government had strongly intimated to Germany that she would do if Belgian neutrality were violated. Chancellor Bethmann-Holweg, however, had not believed that "shop-keeping" England would fight, and he now expressed bitterly to the departing English ambassador his amazement that she should do so "just for a scrap of paper." Meantime, the invasion of Belgium turned world attention from Austria, as aggressor against little Serbia, to Germany as aggressor against the sanctity of treaties and the liberties of small peoples.

The English ministers had been claiming in parliament and to foreign countries, that, so far as defending France was concerned, England was absolutely free to enter a war or not, according to her own judgment. Technically this was true: England had not been formally bound to aid France. At the same time, some of these same ministers had secretly entered into such engagements with the French government (as to the disposition of the English fleet, for instance) that, when the crisis came, they felt bound in honor to join France. England, however, was exceedingly averse to war upon a "continental matter," and it is by no means sure that the ministry (divided as it was, too) could have carried parliament or the nation with

<sup>3</sup> Prussia was one of the powers which in 1839 entered into a treaty with Great Britain and other powers to guarantee the neutrality of Belgium in any future war, and the German Empire, at its formation, had formally assumed all Prussia's treaty obligations.

it if Germany had kept out of Belgium. On the other hand, the English people were practically unanimous in their conviction that England was bound to defend Belgium's neutrality—far more unanimous, for instance, than the Americans were in 1898 in the conviction that this country ought to liberate Cuba from Spanish tyranny.

## CHAPTER XLII

### AMERICA AND THE WAR

#### BEFORE AMERICA WENT IN

GERMANY was prepared for war at a moment's notice—as none other of the nations was—and her High Command expected only a short struggle. They planned (1) to go through Belgium swiftly and to take Paris within four weeks; (2) then to swing their strength against Russia before that unwieldy power could get into the war effectively, and crush her; and (3) with the Channel ports at command, easily to bring England to her knees, if she should really take part.

That plan was wrecked upon the unexpectedly stubborn resistance of little Belgium—which held back the mighty invasion sixteen days, instead of the mere six for which, at most, the Germans had allowed. This delay gave the French time to shift enough force from their regular eastern front northward to the Belgium border so that, aided by a hastily equipped "Expeditionary Army" of 100,000 from England, they were able to contest the German advance through northern France for three weeks more—ground that the German Command had allowed but eight days to win. Tremendously outnumbered, outflanked, trampled into the dust in a ceaseless series of desperate engagements, the thin lines of Allied<sup>1</sup> survivors fell back doggedly toward the Marne. Then, September 6, when the invaders were in sight of the towers of Paris, the French and English turned desperately at bay, desperately but victoriously, in a colossal "Battle of the

<sup>1</sup> It soon became the custom to refer to Germany and Austria (with other powers that joined them) as the "Central Powers" and to France and England and their supporters as the "Allies."

Marne" along a two-hundred mile front. To save themselves from destruction, the invaders fell back to the line of the Aisne, whence the exhausted Allies failed to dislodge them. Both sides "dug in," along a 360-mile front from Switzerland to the North Sea. There began a trench warfare, new in history. The positions stabilized, and, on the whole, in spite of repeated and horrible slaughter, were not materially changed until the final months four years later.

This gave England time to prepare. Her army had consisted of only a few scattered garrisons—"a contemptible little army," said the Germans—and she had no adequate factories to supply arms and munitions for her eager volunteers. Now, however, while pouring forth lavish loans to France and Russia, she swiftly built munition factories, drilled raw recruits, and eventually put into the field an effective force of six million men—a million ready for the second year.

From the first, too, the English sea power began to count. In the first autumn, German shipping was swept from the seas and the German war navy was bottled up in the Baltic. This left the Allies free to draw supplies from neutral America, while, for the most part, it prevented the Central Powers from getting them. England established a blockade of the European coasts of the North Sea, requiring neutral ships from the outside world to submit to inspection at the Orkneys, to see that (even though bound for Holland or Scandinavia) they did not carry goods really intended for Germany.

In 1915 and 1916, Holland, Denmark, and Sweden bought some seven times their usual supplies of American goods—largely foodstuffs and raw materials for manufactures and for explosives—and most of that surplus undoubtedly found its way eventually into Germany. The English blockade, to stop this trade, had a precedent in the blockade set up by the United States during our Civil War to prevent importation of contra-

band from Europe into the South by way of Mexico or the West Indies. We had then treated the Gulf of Mexico much as England now treated the North Sea; and our Supreme Court even upheld captures of British ships on the high seas on their way to the British West Indies, if their cargoes contained munitions whose presence could be explained only on the ground that they were destined ultimately for the Confederacy. England, however, now added food to the list of contraband—after Germany had declared government control over all food in the country, so as to make sure of supplies for her armies.

This blockade, of course, interfered with American commerce (though the Allies themselves did stand ready to buy all that we had to sell), and it might even have driven America into war against England if Germany had not soon offended American opinion upon a vastly more important matter.

Meanwhile, the war was spreading. Within the first few weeks, England's distant daughter-commonwealths—Canada, Australia, New Zealand, South Africa, and even her subject India—threw themselves whole-heartedly into the struggle. Japan, England's ally in the Orient, entered the war, to seize Germany's holdings in China and in the northern Pacific. Turkey had openly joined the Teutonic powers; and, in the second autumn, Bulgaria did so, hoping to make herself the dominant Balkan state and to wreck vengeance on Serbia for old rivalries. In the spring of the same year, after driving a hard bargain for territory with the Allies in a secret Pact of London, Italy declared war on Austria.

On the whole the first two years saw great gains for Germany. The poorly equipped but gallant Russian armies, betrayed by generals in the field and by a traitorous pro-German war office at home, had suffered indescribable losses. Serbia had been wiped from the map. Germany now dominated a solid broad belt of territory from Berlin and Brussels and Warsaw to Bagdad and Persia. True, she began to feel ter-

ribly the blockade of the English navy. Her stocks of fats, rubber, cotton, and copper were running low, and her poorer classes were suffering from undernourishment—as was shown by a horrible increase in the infant death rate. But the ruling classes felt no pinch, and looked hopefully now to their domination of the East to retrieve their markets.<sup>2</sup>

From the first, the warfare in the field was marked by new and ever more terrible ways of fighting, with increasing ferocity and horror from month to month. Ordinary cannon were replaced by huge new guns whose high explosives blasted the whole landscape—burying soldiers alive and forming great craters where snipers found the best shelter in future advances. Ordinary defense works were elaborated into lines of connected trenches, protected by entanglements of barbed wire and strengthened at intervals by bomb-proof “dugouts” and underground chambers of heavy timbers and cement. To plow through these intrenchments, cavalry gave way to monstrous, armored motor-tanks. Poison gases poured strangling torture and wholesale destruction upon regiment after regiment, especially when the Germans first used this devilish device before the unsuspecting Allies were equipped with “gas masks.”

Scouting was done, and gunfire directed, by airplanes equipped with new apparatus for wireless telegraphy and for photography. Daily, aërial scouts, singly or in fleets, met in combat many thousand feet above the ground—combat that often ended in one or both hurtling down in flames to crashing destruction. And more than all these terrors, the soldiers dreaded the beastly filthiness of trench war—the never absent smell of rotting human flesh; the torture from vermin; the dreary monotony.

<sup>2</sup> Shortage of cotton was more alarming to the rulers of Germany than food shortage was. Cotton is now essential to the manufacture of many high explosives—and so, of course, is properly contraband of war. German chemists, it should be noted here, worked many scientific marvels in devising and manufacturing substitutes for substances lacking because of the blockade.

## NEUTRALITY PROVES IMPOSSIBLE

To the average citizen of the United States the war came as a startling surprise. President Wilson issued at once the customary proclamation of neutrality, following it with unusual and solemn appeals to the American people that they keep neutral also in thought and feeling.

This was not easy. Both sets of contestants deluged America with tons of propaganda, in which truth and falsehood were inextricably mingled. (In this verbal conflict the agents and champions of the Allies were unquestionably the more skillful and effective—though they would have explained their superior success on the ground that Germany's conduct of the war gave them the better chance to arouse feeling against her.) Moreover, nearly a third of the citizens of America were immigrants from one or another of the countries at war, or the sons and daughters of such immigrants, and were disposed, naturally enough, to justify the conduct of the land of their origin.

That land, in the majority of cases, was one of the Central Powers. Many Irish-Americans, too, looked with grim glee upon the prospect of the final ruin of hated England. On the other hand, many Americans felt that German militarism and autocracy had towered into the supreme peril to democracy and that France and England were really fighting America's battle,—and so, from the first, tens of thousands of our young men, largely college-bred, made their way to the fighting line as volunteers in Canadian regiments, in the French, Foreign Legion, or in the Air Service.<sup>8</sup>

<sup>8</sup> This feeling was by no means confined to Americans of Anglo-Saxon descent. The writer remembers vividly one enlightening incident that fell under his own observation in the summer of 1916. A group of workmen, engaged in haying on a farm, had been discussing the war during their noon-ing—apparently on the whole from a pro-German bias. Just as the writer approached, one of the minority rose to his feet, shaking himself clumsily—a burly Norwegian neighbor, with slight mastery of English: "Vell, I tells you

But, after all, to the great bulk of the American people the dominant feeling was a deep thankfulness that their sons were safe from slaughter, their homes free from the horrors of war. Vast portions of the nation neither knew or cared about the facts back of the war, but looked upon it merely as one more bloody "European" struggle. Moreover, the country had begun to enjoy a vast business prosperity from its neutrality. The Allies called ceaselessly for more goods than America could produce. Non-employment vanished; wages rose by bounds; new fortunes piled up as by Aladdin's magic. A busy people, growing richer and busier day by day, ill-informed about the real causes of the war, needed some mighty incentive to turn it from the easy, peaceful road of prosperous industry into the stern, rugged paths of self-denial and war—even though certain huge financial interests may secretly have intrigued for war, to make safe their investments in French and English bonds. A little wisdom, and Germany might readily have held the United States bound to neutrality in acts at least, if not always in feeling.



But more and more Germany made neutrality impossible. Germans resented the fact that Americans used the customary right of neutrals to sell munitions of war to the belligerents. She had supplied herself well in advance, and England's navy now shut her out from the trade in any case. So she tried, first by cajolery and then by threats, to keep America from selling to her enemies. The legal right of a neutral to sell munitions she could not question seriously. She demanded of us not that we comply with international law, but that we change it in such a way as to insure her victory—in such a way as would really have made us her ally. For the American

fellars vat I t'inks. I hate war. Rich mans make war, and poor mans fights him and pays for him. But *dis war*—I tells you, ve got to go in and whip de Kaiser, or dis vorld ain't no place for free mans to live in!"

government during the war to have forbidden trade in munitions would have been not neutrality, but a deadly act of war against the Allies.<sup>4</sup> Even the pacifist Bryan, Secretary of State, refused firmly to yield to these arrogant demands.

Germany then turned to a new kind of warfare, designed to stop all transport of munitions to the Allies, and indeed the transport to them of all articles of commerce. Her submarines began to sink merchant ships bound for France or England. The U-craft had proved not particularly dangerous to hostile war ships, but unarmed merchantmen they could sink almost at will. This new submarine warfare was vehemently denounced in America. It was not only an invasion of neutral rights: it was also barbarous, because it involved the loss of lives of hundreds or thousands of non-combatants. To be efficient, the frail U-boat must sink without giving warning. If it shows itself on the surface even for a minute, it may be destroyed by a single shot from a concealed gun.<sup>5</sup>

During the first months, the German submarines sank merchant ships belonging only to citizens of the Allied nations, but in February, 1915 (on the ground that English merchant ships were using neutral flags), the new and shocking form of "Frightfulness" was extended also to neutral ships if they ventured to use the old freedom of the seas. Germany drew a broad zone in the ocean about Great Britain, and declared that any merchant ship found within those waters was liable to be sunk without warning! Then came an illustration of how that threat could be carried out. May 7, 1915, the great English liner *The Lusitania*, bound from New York to Liverpool, was torpedoed by a submarine, and nearly twelve hun-

<sup>4</sup> This, of course, does not apply in any way to the pacific plans proposed in Congress in 1927-1928 to forbid all such trade by Americans in future wars. No nation could complain if advance notice had been given.

<sup>5</sup> Americans felt the horror of this killing of non-combatants the more keenly because they remembered that when the *Alabama*, the terrible Confederate commerce-destroyer, sank hundreds of Northern merchant ships, her chivalrous commander cared zealously for the safety of both crews and passengers.

dred non-combatants were drowned, many of them women and children! <sup>6</sup>

One hundred and fourteen of the murdered passengers were American citizens, and there now went up a fierce cry for war. But large parts of the country, remote from the seaboard, were still indifferent, and apologists were not lacking for even this massacre. President Wilson, however, though still zealous for peace and bent on trying every other resource first to induce Germany to abandon this horrible use of submarines, pointed out distinctly in his series of four "Lusitania Notes" that persistence by Germany in her submarine policy would force America to fight. Finally (March, 1916) the sinking of *The Sussex*, an English passenger ship, again involved the murder of American citizens. President Wilson's note to Germany took a still sterner tone and specifically declared that one more such act would cause him to break off diplomatic relations. Germany now seemed to give way. She promised (May 4), grudgingly and with loopholes for future use, to sink no more passenger or merchant ships without providing for the safety of passengers and crews—unless they should attempt to escape capture after summons. President Wilson seemed to have won a peaceful victory for civilization.

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In this interval came the American Presidential campaign of 1916. Mr. Wilson had been renominated by acclamation. He drew much strength in the West and with the working classes from the fact that he had "kept us out of war," while at the same time every voter with a German name received circular after circular from "German-American" societies urging opposition to him as a foe to "the Fatherland." The Republican party seemed at first reunited. Mr. Roosevelt, having failed to win the Republican nomination, declined to run

<sup>6</sup> *The Lusitania* did carry a huge cargo of munitions, especially in the form of small arms, although our government was misled at the time into issuing a direct denial of that charge.

again as a Progressive, and urged his old followers to support the regular nominee, Charles Evans Hughes, who had resigned from the Suoreme Court to accept the nomination.

Mr. Hughes had an honorable record. He was a high-minded gentleman, and had always shown strong sympathy with progressive movements; but in this campaign—like the usual candidate—he put himself too completely “in the hands of his friends.” Certainly he was far from showing anything of his old stand for reform, or of the splendid leadership he was to manifest in the critical period after the war. Neither his platform nor his speeches took positive stand upon the war<sup>7</sup> or upon any progressive movement at home. Instead he trusted to pleas for protective tariffs and to negative criticism of Mr. Wilson’s policies. The “Old Guard,” once more in full control of the Republican organization, were blindly confident. Progressive leaders were grossly slighted, and thousands of Progressive Republicans in close Western states stayed away from the polls—so that Mr. Wilson squeezed through by a narrow margin.

Meantime, as the dust of the political campaign cleared away, the American people were forced to notice new attacks upon their dignity and safety by official representatives of the Central Powers at Washington—protected by their diplomatic position and bound by every sort of international law and common decency not to interfere in any way in domestic affairs. Disappointed in their attempts to persuade our government to stop the sale of munitions to the Allies, they were trying now to reach a like end by terrorism and violence. “It is my impression,” wrote the Austrian Ambassador to his home government in August of 1915 (in an intercepted dispatch) “that we can disorganize and hold up for months, if not entirely prevent, the manufacture of munitions in Bethle-

<sup>7</sup> Mr. Roosevelt was unreservedly for war with Germany, but he was allowed only a carefully guarded part in the campaign.

hem [the great Steel Company plant] and throughout the Middle West." Accordingly, at the instigation of German agents, munition factories were destroyed by explosions and incendiary fires—with loss also of lives of American workers; and bombs (timed to explode at sea) were concealed aboard vessels carrying cargoes to the Allies. The Federal Secret Service captured several of the criminals and traced their trails back to the Teutonic embassies. Finally, President Wilson dismissed the Austrian ambassador (who had been directly implicated) and various guilty officers connected with the German embassy.

All this turned attention to the hostility toward America plainly avowed for years by German leaders. Said the Kaiser himself to the American ambassador (October 22, 1915), "America had better look out. . . . I shall stand no nonsense from America after this war." Many Americans began to fear that if Germany came out victor from the European struggle, the United States, too, would have to turn herself permanently into a huge camp on the European model. A victorious militaristic autocracy would imperil the peace of all free peoples.<sup>8</sup>

President Wilson had begun to speak solemn warnings that America could not keep out of the struggle unless peace could be secured soon and upon a just basis. December 18, 1916, (in hope that the way might open for the United States to help in arranging a lasting peace) he sent to all the warring governments a note asking them to state their aims—their "views as to the terms upon which the war might be concluded, and the arrangements which would be deemed satisfactory as a guarantee against its renewal." The Central

<sup>8</sup> According to Colonel House (page 828), he gave President Wilson his judgment in August of 1914, when the war was new, that "no good outcome" was to be looked for, and that "if Germany wins, it means the unspeakable tyranny of militarism for generations to come. . . . Germany's success will ultimately mean trouble for us." To which he represents President Wilson as replying (August 14), that a German victory would "make the United States a military nation."

Powers, as he afterward reported to Congress (January 22, 1917) refused to define their aims—offering only to discuss terms in an international conference. The Allies strengthened their hold upon American sympathy by stating as “indispensable conditions” only “restoration and reparation” (with an adjustment of disputed territories according to the will of the inhabitants) and “guarantees” for future safety against German aggression. As such “guarantee” the President in this same address to Congress then suggested a League of Nations to enforce Peace,—not a peace of despotic and irresponsible governments, but a peace made by free peoples, “among whom the small nations should have their full and equal force,” and secured “by the organized major force of mankind.”

Germany had ready a new fleet of enlarged submarines, and she was about to resume barbarous warfare upon neutrals. She knew this might join America to her foes, but she held us impotent in war. Moreover, to keep us busied at home, her ambassador at Washington—while still enjoying our hospitality—had secretly been trying to get Mexico and Japan to join in an attack upon us, in the event of our joining the Allies, promising them aid and the recovery of the western territory Mexico had lost to us in the old war of 1846.

January 31, the German government gave a two weeks' notice that it was to renew its “unrestricted” submarine policy, offering to America an insulting privilege of sending one ship a week to England, provided it were painted in stripes of certain colors and width and provided it followed a certain narrow ocean lane marked out by Germany. President Wilson at once dismissed the German ambassador, according to his promise of the preceding March, recalled the American ambassador, Gerard, from Berlin, and appeared before Congress to announce, in a solemn address, the complete severance of diplomatic relations. March 12, after a number more of

American citizens had been murdered at sea<sup>9</sup> he placed guards on American merchant vessels. Germany proclaimed that such guards if captured would be treated as pirates. Now the temper of the nation was changing swiftly. Apathy vanished. Direct and open opposition to war there still was from pro-Germans and from extreme pacifists, but the great majority of the nation roused itself to defend the rights of mankind against a dangerous government running amuck, and turned its eyes confidently to the President for a signal. April 2, President Wilson appeared before the new Congress, met in special session, and asked it, in memorable words, to declare that we were now at war with Germany. April 6, by overwhelming votes, that declaration was adopted. Said the President's war message:

Neutrality is no longer feasible or *desirable*, when the peace of the world is involved, and the freedom of its peoples, and when the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not the will of their people. . . . We have no quarrel with the German people. . . . A steadfast concert for peace can never be maintained except by a partnership of democratic nations. No autocratic government could be trusted to keep faith within it. Only free peoples . . . can prefer the interests of mankind to any narrow interests of their own. . . .

We are glad . . . to fight for the ultimate peace of the world and for the liberation of its peoples, the German people included. . . . The world must be made safe for democracy. . . . We have no selfish ends. We desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensations for the sacrifices we shall freely make. . . . The right is more precious than peace; and we shall fight for the things which we have always

<sup>9</sup> Besides the eight American vessels sunk before March, 1916, eight had been sunk in the one month from February 3 to March 2, 1917. During the two months, February and March, 105 Norwegian vessels were sunk, with the loss of 328 lives. By April 3, 1917, according to figures compiled by the United States government, 686 neutral vessels had been sunk by Germany without counting American ships. When we turn to the still more important question of lives, we count up 226 American citizens slain by the action of German submarines before April, 1917. Before the close of the war, 5,000 Norwegian citizens were murdered in like manner.

carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations.



The United States had been impelled into war at last by attacks upon the lives of its citizens. But it had been deeply moved, too, by what we at least believed to be wanton wrongs inflicted by the Central Powers upon small European peoples. Woodrow Wilson had seized upon this second fact and had striven successfully to make our final decision for war to turn, not upon revengeful or selfish motives, but upon a high desire to make it possible for oppressed peoples to achieve our own traditional ideals of freedom and peace.

The results of the war, it is quite true, fell short of these fine hopes, to a ghastly degree. Some of the ardent crusaders of that day have come to feel that it was absurd to have entertained those lofty hopes from any war—since such fruits do not grow on the tree of violence. In the disillusionment, and in the revulsion of feeling, many have been so shamed by memory of the enthusiasms of the war years as to deny them altogether and to claim that from the first we fought only in self-defense. But the fact stands that the force which drew our finest youth by hundreds of thousands into the filth of the trenches, and which made mothers ready to see their sons march forth to die “in a quarrel not their own,” was an ideal—the conviction (mistaken or not) that America was fighting, above all else, in defense of free government and of civilization and of humanity—to “win a war that should end war.”

Splendid was the response of America at the time to the President's call. The pacifist Bryan had resigned from the Cabinet, in June of 1915, as a protest against the President's firmness in pressing the *Lusitania* matter: but now he promptly

declared, "The quickest road to peace is through the war to victory," and he telegraphed the President an offer of his services in any capacity. Henry Ford, who had led a shipload of peace enthusiasts to Europe the year before, to plead with the warring governments there, now placed his huge automobile factories absolutely at the disposal of the government and became a valued worker on one of the new War Boards. Charles Edward Russell (page 781) served on a great Commission to Russia, and on his return supported and explained the war with voice and pen. Upton Sinclair in his *Weekly* eloquently defended the war and championed the President as the leader of the world's moral sentiment. The great majority of Americans of German birth or descent also rallied promptly to the flag of the land they had chosen. Most important of all, the organized wage-earners spoke with emphasis and unity for America and democracy. In November the American Federation by a vote of 21,579 local unions as against 402, organized the Alliance for Labor and Democracy to support the war.

### AFTER AMERICA'S ENTRANCE

Germany had continued to win through 1916—crushing Roumania, which had finally joined the Allies. In 1917 also, in spite of the entry of America, she made huge gains in the East. Russia at last dropped out of the war. The Tsar's despotic ministers (some of them pro-German traitors) had maddened the Petrograd populace by permitting a breakdown in the distribution of food. March 11, the populace rose. The troops joined the rioters. Deserted by all classes, Tsar Nicholas abdicated on March 15. The Liberal leaders of the Duma proclaimed a provisional government, which, in a few weeks (June, 1917) was replaced by a Socialist-Democratic government led by Kerensky—a well-meaning enthusiast altogether unfit to grapple with the tremendous difficulties

before Russia. Finland, the Ukranian districts, and Siberia were all breaking away from central Russia. Everywhere the starving and desperate peasants had begun to appropriate the lands of the great estates, sometimes quietly, sometimes with violence and outrage. Transportation was broken down, and the crude industrial system was gone. The army was completely demoralized. The peasant soldiers, so often betrayed by their officers, were eager for peace. Whole regiments mutinied, murdered their aristocratic officers, broke up, and went home to get their share of the land. The remaining army was intoxicated with the new political "liberty," and fraternized with the few German regiments left to watch it.

During this chaos, real power over nearly all Russia fell to new councils of workmen's delegates (with representatives also from the army and the peasantry). The Extreme Socialists, or Bolshevists, had seen that these councils, rather than the old agencies, had become the real government, and by shrewd political campaigning they captured these "soviets." After a six-months' rule, Kerensky fled, and (November 7, 1917) the Bolshevists, led by Nikolai Lenin and Leon Trotsky, seized control, announcing their determination to make peace upon the basis of "no indemnities and no annexations." Naturally the Allies were deeply indignant that the new Russia should so "betray" the cause of freedom, but it is understood now that no Russian government could have continued the war. The Russian people had borne greater sacrifice than any other; they were absolutely without resources; they were unspeakably weary of war; and they failed to see that German victory would mean the return of the Tsar.

In the west, the French and English had planned vigorous offensives for the early spring. The French onset, however, along the Aisne, was fiercely repulsed, and the army was so demoralized that it could not give the expected support to the British movements. The British attack continued from April

to November, with horrible slaughter on both sides, and with some gains; but the Germans were saved by the fact that now they were able to transfer all their best divisions from the east front.

In the fall came another crushing disaster for the Allies. The Russian collapse in the spring had been caused in part by skillful German propaganda among the Russian soldiers that the war was the Tsar's war, or at least a capitalist war, and that their German brothers were ready to give the new Russia a fair peace. Now, like tactics were used against the Italians, until their military machine, too, went to pieces. Then the Austrians suddenly took the offensive. They tore a huge gap in the Italian lines, took 200,000 prisoners and a great part of Italy's heavy artillery, and advanced into Venetia. French and British reinforcements were hurried in, and the Italians rallied when they saw how they had been tricked. Italy had not been put out of the war as Russia had been, but for the next six months the most that she could do was to hold her new line behind the Piave River.

The brightest phase of the year's struggle was at the point where there had seemed the greatest peril. Germany's new submarine warfare had indeed destroyed an enormous shipping tonnage, and for a few months had promised to make good the threat of starving England into surrender. But an admirable English convoy system was organized to protect important merchant fleets; shipbuilding was speeded up to supply the place of tonnage sunk; and submarine chasers and patrol boats waged relentless war against the barbarous craft of the enemy. America sent five battleships to reinforce the British Grand Fleet and a much more considerable addition to the anti-submarine fleet; and newly created American shipyards had begun to launch new cargo ships in ever increasing numbers. The Allies were kept supplied with food and other necessities enough to avert any supreme calamity, and before September,

1917, the menace—in its darkest form—had passed. Submarines were not to be the decisive factor in the war.



And now the United States was getting into the war—slowly at first, but far more swiftly than friend or foe had thought possible. It had been supposed that American help would be mainly in furnishing money and supplies. The United States had only a small army, few officers to train recruits, hardly any military equipment, and (at first) no ships to transport troops over seas.

But it had become plain that a large American army was needed in France—and America splendidly met the need. In June, General John J. Pershing and his staff arrived in France, followed in August by a small American Expeditionary Force of regulars, reinforced by volunteers. With rapidity beyond all example, a huge citizen army was raised and trained, to follow. On the President's recommendation, Congress enacted a universal selective draft (a new way to raise armies, adopted a little earlier in England). All men between twenty-one and thirty-one (and later between eighteen and forty-five) were registered (with detailed record of all pertinent information regarding each one) and were examined by health officers. All found fit for active service were then classified by Registration Boards (so that the fighting force need not be drawn ignorantly from those whose families required their help at home or who were already busied in work important to our victory). Then, from the class that could best be spared, men were drawn by lot and gathered into huge training camps as fast as such camps could be built. Thence, after brief drill, they were hurried to France (mainly in English transports), nearly 200,000 of them by Christmas, to receive their final training just back of the battle line.

Time, indeed, was short. France could stand one more year of war, but she was nearly "bled white," as Germany boasted.

Her working classes were war-weary and discouraged, and the Germans had infected all classes more or less with a baseless propaganda that England was using France to fight her battles while she herself bore less than her share of the burdens. French morale was in danger of giving way, as Russian and Italian had given way. It was saved for the time only by the tremendous energy of the aged Clemenceau ("the Tiger," whom the crisis had called from retirement to the premiership) and by this early appearance in France of an American army.

Even in England, peace talk began to be heard both among the workers and, here and there, in all ranks of society. Among the laborers this dangerous leaning was fearfully augmented when the Russian Bolsheviks published copies of "Secret Treaties" between England, France, Italy, and the Tsar's government, revealing the Allied governments as purchasing one another's aid by promises of territorial and commercial spoils. For the first time the charge against the Allies that on their side too the war was "a capitalist and imperialist war" seemed partly justified.

In Germany, too, the masses had become war-weary. The entire generation of their young men was threatened with extinction, and their children were being pitifully stunted from lack of food. The "Independent Socialists," as Ludendorff has since told us, had spread among the people a peace propaganda which crippled seriously the efficiency of the army. The Reichstag (the legislature of the Empire) had even adopted resolutions for peace without annexation or indemnities. But the junkers and great capitalists (the governing classes) were still bent upon complete military victory, which they seemed to see within their grasp. The German war lords at once made it plain that they recognized no binding force in the Reichstag resolutions, and once more they brought the nation to their way of thinking. They could now turn all their strength as never before upon France and England (with Russia out, and Italy crippled), and they were confident they could win the

war before American armies could become an important factor. The Allies, they insisted, had not shipping enough to bring the Americans in any numbers; still less to bring the supplies needful for them; and then Americans "couldn't fight" anyway—at least without years of training!



Thus in 1918, the war became a race between Germany and America. Could America put decisive numbers in action on the west front before Germany could deliver a knockout blow? While winter held the German armies inactive, the British and American navies carried each week thousands of American soldiers toward the front.

During these same months America and England won a victory in the moral field. Austria, now under a new emperor, suggested peace negotiations in a conciliatory note, but without indicating any specific terms. In reply, in two great speeches, Lloyd George and President Wilson stated the war aims of the Allies with a studious moderation which conciliated wavering elements in their own countries and at the same time drove deeper the wedge between the German government and the German people. Lloyd George, the English premier, disclaimed any intent to require indemnities from Germany other than for injuries due to her violation of International law. Wilson repeating that there could be no safe peace with the Hohenzollern government, stated his famous Fourteen Points, which were soon accepted apparently throughout the Allied world as a charter of a coming world peace. The more important were as follows:

1. "Open covenants of peace, openly arrived at; after which, diplomacy shall proceed always . . . in the public view." . . . 3. Removal, so far as possible, of economic barriers. 4. Disarmament by international action. 5. An "absolutely impartial adjustment of all colonial claims . . . the interests of peoples concerned to have equal weight with the equitable claim of the government whose title is to be determined." 6. Evacuation of all Russian territory, and

. . . "a sincere welcome [for the new Russia] into the society of free nations under institutions of her own choosing, [with] assistance also of every kind that she may herself desire." 7. Evacuation and restoration of Belgium. 8. Reparation for devastation in France, and return of Alsace Lorraine. 9. "Readjustment of the frontiers of Italy . . . along clearly recognizable lines of nationality." . . . 11. Serbia to be given a free and secure access to the sea; and the relations of the Balkan states to be "determined by friendly council along clearly recognizable lines of allegiance and nationality." 13. A free Poland (with access to the sea), "to include the territories inhabited by indisputably Polish populations." 14. A "general association of nations" under specific covenants.

The significance of the Fourteen Points lay even more in their spirit than in these detailed provisions. "We have no jealousy of German greatness," concluded this great utterance, "and there is nothing in this program that impairs it. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace loving nations of the world in covenants of justice and law and fair dealing."



Naturally, the Germans opened the campaigns in the west at the earliest moment possible. They had now a vast superiority both in men and in heavy guns there. March 21 they attacked the British lines in Picardy with overwhelming forces. After five days of terrific fighting the British were hurled out of their trench lines and driven back with frightful losses nearly to Amiens, leaving a broad and dangerous gap between them and the French. But the Germans had exhausted themselves in their mass attack. While they paused, a French force threw itself into the gap, and British reserves reinforced the shattered front lines.

For the first time since the First Battle of the Marne, the Germans had forced the fighting on the west front into the

open. In April they struck again farther north, in Flanders, and again they seemed almost to have overwhelmed the British; but, fighting desperately, "with our backs to the wall" as Haig phrased it in his solemn order to his dying army, and reinforced by some French divisions, the British kept their front unbroken, bent and thinned though it was. After another month of preparation, the Germans struck fiercely in a general attack on the French lines north of the Aisne, and breaking through on an eighteen-mile front, once more reached the Marne.

Here they were halted, largely by American troops. May 28, the First American Division retook Cantigny, and on the 31st the Second and Third Divisions had a large part in checking the German advance at Château Thierry. Then, at their own request, the Americans were given the deadly task of clearing out the German machine-gun nests from the depths of Belleau Wood—afterward renamed by the grateful French "the Wood of the Marines." This gave the shattered French lines time to re-form. Meantime, Austria, forced into action again in Italy by German insistence, was repulsed in a general attack along the Piave.

Time was fighting for the Allies. At last, too, the position of generalissimo had been given to Marshal Ferdinand Foch, and for the rest of the struggle, the Allied forces were directed with a unity and skill that had been impossible under divided commands.

And now America really had an army in France. Before the end of June, her effective soldiers there numbered 1,250,000. Each month afterward brought at least 300,000 more. By September the number exceeded two million, with a million more already training in America.<sup>10</sup> At first the new

<sup>10</sup> When the fighting stopped at the Armistice of November 11, the American army at home and abroad amounted to more than 3,500,000. Nearly one and a half million had been under fire.

American arrivals had been brigaded with veteran French or English troops, but in January of 1918, Pershing had collected the scattered detachments into one unit, and had been assigned a sector of the front to care for.

The Germans could not again take up the offensive for five weeks (June 11-July 15), and in this interval the balance of available man-power turned against them. July 15, they attacked again in great force along the Marne, but this onset broke against a stone-wall resistance of French and American troops. For the first time in the war, a carefully prepared German offensive failed to gain ground.

The failure was plain by the 17th. On the 18th, before the Germans could withdraw or reorganize, Foch began his great offensive by counter-attacking upon the exposed western flank of the invaders. This move took the Germans completely by surprise. Their front all but collapsed along a critical line of twenty-eight miles. Foch allowed them no hour of rest. Unlike his opponents, he did not attempt gigantic attacks, to break through at some one point. Instead, he kept up a continuous offensive, threatening every part of the enemy's front, but striking now here, now there, on one exposed flank and then on another, always ready at a moment to take advantage of a new opening, and giving the enemy no chance to withdraw their forces without imperiling key positions. Before the end of August the Allies had won back all the ground lost in the spring.

The Germans had made their last throw—and lost. Foch's pressure never relaxed. The Americans now held a difficult sector of the front (some eighty-five miles) toward the southeast end. September 12-15 they helped drive the Germans from a commanding position at St. Mihiel,<sup>11</sup> and a few days later they began a forty-seven day battle through the mud

<sup>11</sup> More than a half million American soldiers took part in this battle, or about three times as many as fought on *both sides* at Gettysburg to decide the Civil War.

and thickets of the Argonne Forest in the great Meuse-Argonne offensive. At the terrible cost of a tenth of their number in killed and wounded, the 1,200,000 American troops<sup>12</sup> engaged thrust the Germans back slowly until they were driven from Sedan—the great railway center through which their armies in France and Belgium had been receiving supplies. The British and French had been making like gains on their sectors.

The German troops still fought stubbornly, but their cause had been made absolutely hopeless by events in their rear—on the southeast fronts. (1) A small British expedition from India had reached Bagdad, and another from Egypt had taken Jerusalem and occupied all Syria; so, October 30, Turkey surrendered unconditionally. (2) Greece (under the Republican Venizelos) had deposed its pro-German king and joined the Allies; and an Allied army marching north from Saloniki had brought Bulgaria to its knees (September 30)—opening the way, also, for an attack upon Austria from the Southeast. (3) Austria did not wait for such attack. Bohemians on one side, and Slovenes, Croats, and Bosnians on the other, were already organizing independent governments—with encouragement from America and the Allies. Then, October 24, Italy struck on the Piave. The Austrian army broke in rout. Austria called frantically for an armistice, and even before one was granted (November 4) the ancient Hapsburg Empire had dissolved into turbulent and mutually hostile “republics.”

Germany held out a week more. She had begun to treat for surrender, it is true, a month before. Her military commanders notified their government on October 4 that the war was lost, and the next day the Chancellor (now the liberal Prince Max of Baden who had been a severe critic of Ger-

<sup>12</sup> French troops took part in this attack, together with 840 airplanes and 324 British tanks. More ammunition was fired away in this offensive than in all the American Civil War.

many's war policy) asked President Wilson to arrange an armistice, offering to accept the Fourteen Points as a basis for peace. The reply made it plain once more that America and the Allies would not treat with the old despotic government, and that no armistice would be granted at that late moment which did not secure to the Allies fully the fruits of their military advantages in the field and make a renewal of the struggle by Germany impossible.

Meantime the fighting on the west front went on, with terrific losses on both sides. As a last desperate throw, the German war lords ordered the Kiel fleet to sea, to engage the English navy,<sup>13</sup> but the common sailors, long on the verge of mutiny, broke into open revolt, while everywhere the Extreme Socialists—all along opposed to the war—were openly preparing revolution.

Late in October, the Allies made known to Germany the terms upon which she could have an armistice preliminary to the drafting of a peace treaty. She could save her army from destruction, and her territory would not suffer hostile conquest. But she was at once to surrender Alsace-Lorraine to France, and to withdraw her troops everywhere across the Rhine, leaving the Allies in possession of a broad belt of German territory. She was to surrender practically all her fleet, most of her heavy artillery, her aircraft, and her railway engines. Likewise she was at once to release all prisoners, though her own were to remain in the hands of the Allies. November 11, Germany made this unconditional surrender to whatever further conditions the Allies might impose in the final settlement. (The Allies did pledge themselves to base their terms, with certain reservations, upon Wilson's Fourteen Points.)

Germany had already collapsed internally. November 7, Bavaria deposed her king and proclaimed herself a republic.

<sup>13</sup> May 31st, 1916, the German fleet had ventured out of the Baltic and engaged a division of the English navy. Losses were tremendous on both sides, but the result was indecisive, except that the German fleet retired to its former shelter, to remain there until the close of the war.

In Berlin the Moderate Socialists seized the government. State after state followed. November 9, the Kaiser fled to Holland, whence he soon sent his formal abdication. German autocracy and militarism had fallen.

### THE HOME FRONT

More instructive than the military story is a study of America's "home front." "It is not an army that we must shape and train for war," said President Wilson at the beginning: "it is a nation." Under new war powers conferred upon him by Congress, he created Boards and Commissions that swiftly organized the country, as it had never before been organized, to the one end of winning the war.

A War Industries Board closed up some unnecessary industries, so that more energy and more workers might go to necessary ones. A National Economy Board induced manufacturers of clothing to put forth fewer and simpler styles, so saving perhaps a fifth of the usual materials. A government Railroad Administration organized all the railways of the country into one system and managed it as a unit, so as to transport workmen, soldiers, equipment, and supplies without waste of time or labor. A Shipping Board, at reckless expense but with amazing swiftness, built huge new shipyards and turned out fleets of ships from them fast enough "to beat the submarine," so that (with the indispensable part played by British shipping) our steady stream of men and supplies across the Atlantic continued unbroken. A War Labor Board (of which ex-President Taft was an invaluable member) succeeded in maintaining good feeling between capital and labor and in preventing harmful strikes, and even advanced permanently the condition of the workers by encouraging the setting up of "shop committees" to share in the management of industry. A Fuel Administration greatly increased the output of coal mines, and persuaded citizens to use less coal and gasoline for

ordinary purposes, so that there might be more for war work and for auto trucks and airplanes in France. People learned to heat homes and business offices only to 65 instead of to 72 or 75, and to give up all use of autos for pleasure on Sunday. For many weeks in the winter of 1918, many kinds of factories and public places were closed through Monday, to save fuel.

Probably the best known of all these government boards was the great Food Commission, headed by Herbert Hoover.<sup>14</sup> This touched directly the life of every man, woman, and child. It spread information about the terrible needs of the Allies, and, by its posters in store windows and in all public places, it kept before the eyes of everyone moving appeals to "save the waste." Each week had its "wheatless" Tuesday and its "meatless" Thursday (along with its "gasless" Sunday and its "heatless" Monday); and the amount of sugar any family could buy was strictly limited, so that there might be a plentiful supply of wheat, meat, and sugar for the armies fighting America's battles in France. In 1917 the wheat crop had been poor, and it was figured that (according to the usual consumption) only 20 million bushels could be spared for export; but, by doing without and by using substitutes, America did export 141 million bushels—or about as much for every man, woman, and child in England, France, and Italy, as was kept for each of her own people.

With fine enthusiasm the great mass of the people coöperated with these boards, and especially in the efforts of this Food Commission not only to save but also to increase production. Farmers, at heavy expense, brought waste land under cultivation for wheat. In the towns many citizens spaded up lovely lawns for "war gardens" to raise vegetables. The lack of farm labor was met in part by volunteer school boys and,

<sup>14</sup> When Germany had ravaged Belgium, Mr. Hoover (until then wholly unknown to the general public) organized and operated the marvelously efficient American Relief Commission to feed the starving Belgium nation—until America's entrance into the war compelled him and his American co-workers to leave German territory.

on fruit farms, by college girls. Other volunteer activities included the unpaid examining boards of busy physicians; the village school teachers working nights and Sundays to classify results from the draft questionnaires; the Red Cross organizations reaching down to every rural schoolhouse.

To win such coöperation had been the work of another Board such as no other government has ever seen. President Wilson created a Committee on Public Information to "sell" the war to the nation. If a democracy was to turn from all its ordinary ways of living, it must be posted thoroughly on the danger that threatened and on the best way to overcome it. Within a few months, at small expense, this committee circulated in every village in America more than a hundred pamphlets, brief, readable, forceful, written by leading American scholars, and distributed in millions of copies. Along with posters and placards, designed by foremost illustrators and distributed also by this committee, these publications did marvelous work—demonstrating that in war itself the pen is mightier than the sword. The same committee originated an admirable organization of Four-Minute Men (some 5,000 volunteer speakers) to explain the causes and needs of the war in their respective communities to audiences gathered at the movies and other entertainments, and it made the plan effective by sending to all the local centers suggestions as to topics for the addresses.

The heads of all the War Boards made up an advisory Council for National Defense, to secure unity and coöperation in all these activities. This body contained a representative, too, from the Woman's Committee at Washington, which had its sub-committees in every state, county, and village, organizing the women of the nation for effective war work on the home front.

These committees found thousands of trained women nurses for the war hospitals and helped along the movement for women to take up men's work, so as to release more men for

the front. Women not only went into many new kinds of office work: they carried on much of the heavy field work of the farm; they proved quicker and more skillful than male workers in the munition plants; they ran elevators and street cars, and served as porters at railway stations; and they took a particularly large part in the "welfare work" with the army and in the relief work in the devastated lands after the war.

The United States formed no alliance with England or France or Italy, but our government "associated" itself with theirs as a co-worker. We entered the struggle late, and our borders were remote from the conflict. Comparatively we were called upon for small sacrifice. Still, 120,000 American youths gave their lives,<sup>15</sup> and as many more were irreparably maimed.

As to money cost, we spent almost 22 billions (or about a million dollars an hour) besides lending 9 billions more to the Allies.<sup>16</sup> That is, in a year and a half of war we spent more than all our government expenditures previously from George Washington to Woodrow Wilson. Nearly a third of this enormous amount was raised in 1917-1918 by new war taxes, largely on luxuries and large incomes and high profits;<sup>17</sup> but the bulk of the total amount the government borrowed from our people by selling them Liberty bonds and War Savings stamps. For the first time in our history, national bonds were sold in small denominations (down to fifty dollars), and were taken up largely by people of small means—at a time, too, when much more profitable investments were open. Prac-

<sup>15</sup> This figure includes deaths from all causes in both army and navy. For the first time in our history the deaths from disease in the army were fewer than those on the field.

<sup>16</sup> Most of this nine billions never left America in money, but was paid out at once by the borrowers to our citizens for supplies.

<sup>17</sup> A serious attempt was made to arrange taxes so that the cost of the war should not fall mainly on the working classes. Thoughtful men knew of course that when the war, with its enthusiasms, should have passed into history, the wealthy classes would use their tremendous influence to shift the burden, as they have since been doing.

tically every family took at least one bond, and nearly every child bought the twenty-five cent stamps. (At the beginning of 1919 the total debt was 26 billion dollars. Nine years later, one-third of that amount had been paid off—in spite of great reductions in our war taxes. No other country has been able to make a serious beginning in reducing its debt.)

Besides this expenditure for the war through the government, the people gave large sums to the American Red Cross and other welfare organizations. These associations, to a degree never before dreamed of in war, looked after the health of the men in camps, furnished hospitals, medical supplies, and ambulance corps. They supplied emergency kitchens at railway stations and along the line of march, and established "entertainment huts" that furnished books, magazines, and music to the convalescents in the hospitals or to any lonely boys in khaki who came their way. The Red Cross also looked after the families of the soldiers, in need, and did relief work in the ravaged cities of the invaded districts and among the unhappy refugees who had been driven from their homes. Much of this relief work continued for years after the war, and was carried on not only in the devastated Allied countries but also in Germany and Austria, which were being ravaged by disease and famine.



There were some sad blots upon this record. To prevent the European demand from raising prices unduly, and to check speculation and hoarding in the commodities essential for the conduct of the war, the government took important steps in fixing "fair prices" and in attempting to regulate profits. Congress gave the President (acting through his appointed boards) tremendous power in such matters—and yet either it gave not power enough, or the power given was not always used wisely. The prices of wheat and wheat flour were fixed at figures much lower than would have ruled in a

free market,<sup>18</sup> because it was essential that America send large amounts of wheat flour to the hungry Allied populations and armies (page 857). To make still more sure of being able to do this, the Food Commission urged our own people to use substitutes, such as rye flour and oatmeal; and then food speculators and millers took shameful advantage of the country's patriotic response to this entreaty by raising exorbitantly the prices of those ordinarily cheaper flours—prices which were *not* regulated by the government. This was merely one instance of the disgraceful profiteering that created thousands of "war millionaires."

Another matter was still more serious in its possible effect upon the American mind. Today one might suppose that the general fervor of patriotic sacrifice, the unstinted support so universally given to the government, would have made it easy and best for the government to ignore the few and scattering murmurs of criticism—especially in view of its own dominant and marvelously efficient propaganda described briefly above. But the war-mind does not work with moderation—and the administration asked for and received from Congress two Acts to enable it to stifle every comment that fell short of approval. The wording of the first of these (the Espionage Act of June 15, 1917) will stand inspection, since it penalized only "wilful attempts" to obstruct recruiting or to "cause insubordination," giving the Post Office authority also to exclude seditious matter from the mails. In a more dubious phrase, the Sedition Act of May, 1918, extended punishable offenses to "abusive" utterances about the government. But all experience teaches that the most moderate

<sup>18</sup> The price for wheat, necessarily, was put higher than the ruling price for years *before*—so that many city people thought the farmer was being guaranteed unreasonable profits! In fact, however, the price not only forced him to sell far below a free market price during the next two years, but also at a price much lower relatively than the rapidly rising prices he had to pay for manufactured articles, including farm machinery, so that the patriotic response of the farmers to the urgent prayer of the government to "raise more wheat" cost them heavily.

wording is too strong in a law of this kind when prosecuting attorneys and judges and juries and the community generally are all under the influences of "war psychology." Many reputable papers, by mere administrative action, were forced to suspend publication. Arthur Townley, head of the Farmers' Non-Partisan League, was tried and condemned to a year's imprisonment for recommending in a public address that money and profits should be conscripted as well as men—though after the war that doctrine received the indorsement of the American Legion and of President Harding's inaugural. Eugene Debs was sentenced to twenty years (equivalent at his age to imprisonment for life) and a girl of seventeen was given that same term—both for "seditious" words. In all, about a thousand convictions were secured under these laws—though many of them were later set aside by higher tribunals. Many "conscientious objectors" to aiding in any war were not merely imprisoned but were treated in prison, for a time at least, with great cruelty. Moreover, protected by position as government officials, certain servants of industrial autocracy dared to publish to the country, as suspicious or undesirable, lists of eminent progressive citizens, including even Jane Addams. Indeed, the Department of Justice, then extended into a nationwide spy system, seems to have been far less concerned about "pro-Germans" than about peaceful critics of the capitalist system.

It is too true, also, that despotically-minded or overzealous war-workers sometimes intimidated the unwilling, and even the unable, into subscribing for Liberty bonds beyond their means. And on the streets of Washington all through the war one saw in the nation's uniform hundreds of physically fit young men who, through the influence of wealthy fathers, were holding down "safe" jobs that should have gone to women or cripples.

Such shames are common in all wars. Despite them, America's record for patriotic harmony and magnificent achievement is a proud one.

## CHAPTER XLIII

### OUR OWN DAY

**T**HE war had been a "world war." Fifty-nine million men (of whom America contributed not quite one-fifteenth) were engaged. Fourteen million suffered death or irremediable mutilation and ruin, besides an incalculable number whose constitutions were undermined more subtly. Almost as many non-combatants died of famine or pestilence. Nor does the loss to one generation tell the story. In the warring countries of Europe the birth-rate had declined alarmingly, and the human quality had deteriorated. The choicest youth had been cut down before marriage, while the civilian deaths and enfeeblement were largely among child-bearing mothers and young children.

As to material wealth, a huge portion of all that the world had been storing up for generations was gone, and in many districts all machinery for producing wealth was in ruins. Indeed, future generations are mortgaged to pay the debts. The totals of French and German indebtedness are so tremendous as to have little meaning for us. England suffered less than the continent, but in England, merely to care for the interest on the new debt (along with the old running expenses) calls for five billion dollars a year for an unlimited period—taxation three or four times as heavy per family as the average American family paid even during the war.

Nor did the Armistice really usher in peace for Europe. Out of the old Austrian and Turkish empires, and from the European fringe of Russia, fourteen new states had formed themselves—all in a state of war with their former masters and more or less at war among themselves. Within nearly

every country, too, were political anarchy and industrial depression. These were among the conditions with which the Peace Congress had to deal when it met at Versailles, January 18, 1919.



The Peace Congress was made up of delegations from the twenty-three Allied governments with five more from England's colonies—Canada, Australia, South Africa, New Zealand, and India. Each country's delegation had one vote. Countries that had been neutral were invited to send representatives to be called in upon special matters that might concern them. Germany, Austria, Bulgaria, Turkey, and Russia were allowed no representation. A remarkable feature was the large number of expert advisors present. The American delegation alone was aided by more than a hundred eminent American authorities upon the history and geography and economic resources of European lands. President Wilson headed the American delegation; Lloyd George and Orlando, the English and Italian premiers, represented their countries; and Clemenceau, the head of the French delegation, was naturally chosen president of the assembly. These leaders made up the "Big Four," and part of the time this inner circle became the "Big Five" by the inclusion of the Japanese representative.

From the first there were critical differences within the "Big Four." Wilson had promised the world, Germany included, "a permanent peace based on unselfish, unbiased justice," and "a new international order based on broad, universal principles of right." Lloyd George, too, inclined at times to "a peace of reconciliation," but he was hampered by the fact that in the parliamentary elections, a few weeks before, he had won by appealing to the worst war passions of the English people. The other leaders thought President Wilson merely "a benevolent dreamer of Utopias," and preferred to rest rearrangements upon the old balance-of-power plan, to be maintained

by rival alliances and armed camps—a plan which bloody centuries had proved a seedbed of war.

By the war-weary *peoples* of Europe, however, the Wilson program was at first hailed with joy. While the diplomats were shrewdly delaying the meeting of the assembly, he journeyed through England, France, and Italy, received everywhere by the working masses with striking demonstrations as “the president of all of us,” the apostle of world peace and human brotherhood. For a time it seemed possible that he might, at a crisis, override the hostile attitude of the governments by appealing to the people themselves, and, indeed, in a great speech at Milan—just after some slurring attacks upon him by French statesmen—he hinted pointedly at such a program. Unhappily, as months passed in wearisome delays, this fervor wasted away (as the European diplomats had foreseen), and in each nation bitter popular animosities began to show toward neighboring and allied peoples. Moreover, Mr. Wilson’s power in Europe had been weakened by events at home. Late in the campaign for the new Congressional elections in the preceding November, he had made an appeal to the country for indorsement of his policies by a Democratic victory. The elections gave both Houses instead to the Republicans; and the jubilant victors, charging vengefully that the President had set an example of political partisanship, entered upon a course of criticism and obstruction, not failing to remind European statesmen that in any of their countries under such circumstances, Wilson would have had to resign office.

In spite of Wilson’s declaration for open negotiations, the European diplomats, with their traditions of backstair intrigue, succeeded in inducing him finally to consent to (and, indeed, even formally to propose) only occasional full and public meetings. Meantime, all important matters were settled by the inner circle in secret conclave, so that the six public meetings of the Congress (up to July) were called

merely for formal ratification of conclusions already arrived at by the "Big Four."

To offset this disappointment, Wilson won a victory for a "League of Nations." His address to Congress urging such a League two years before (page 842) was itself one of the mighty events in history. Individuals had dreamed sometimes of a world organization for peace and progress; but then for the first time did an authorized spokesman of a great nation bring that idea into the realm of practical statesmanship. Now, Wilson felt, the building of such a world league was the most important work for the Versailles Congress—and indeed a necessary prelude to any peace other than one of vengeance and booty.

In April, after several weeks of consideration, a League "Covenant" was adopted by the Peace Congress. The union is very loose, and its managing bodies are not really a government. Charter membership was offered to forty-five nations,—all the then organized governments in the world except Russia, the four "enemy countries," and Costa Rica, Santo Domingo, and Mexico. Admission of new members, and other amendments, required the unanimous consent of England, France, Italy, and Japan<sup>1</sup> (and America, if she joined the League), together with a majority vote of all states. For any other action of consequence the consent of all nations is demanded, except that no party to a dispute has a voice in its settlement. Wise provisions prohibit secret treaties in future, and seek to pave the way for disarmament (though only by unanimous consent), for regulation of manufacture of muni-

<sup>1</sup> These four had permanent seats in the Council of the League (which also has some other seats, good for a short term, that are assigned to smaller nations from time to time). Action in the Council must be unanimous. All the nations are represented in an Assembly, where each has one vote and where a majority controls.

In 1926, Germany was admitted to the League and given a permanent seat in the Council. Austria, Bulgaria, Finland, Luxemburg, Costa Rica, Albania, and the Irish Free State had previously been admitted,

tions, for compulsory arbitration, and for delay in recourse to war even if an arbitration is unsatisfactory.



Meantime the French delegation, frankly skeptical as to the value of a League, had devoted itself to securing treaties that should render Germany powerless to attack France again. Germany protested in vain against the rigor of the peace terms, but June 28 her helpless delegates (summoned to Versailles for the purpose) signed the treaty dictated to them—in the same famous “Hall of Mirrors” where, forty-eight years earlier, victorious German rulers had dictated harsh terms to France.

Germany lost all her colonial empire,<sup>2</sup> surrendered her navy, reduced her army permanently to 100,000 men, and surrendered to France and Poland (and in small degree to Belgium and Denmark) about a fifth of her former territory in Europe, with her most valuable coal deposits. As to money “reparation,” she was required to pay some five billions of dollars in gold and goods (all then available), and to promise such further payments as might be fixed later by an Allied commission when it had ascertained what the damages amounted to and how much could be extracted from Germany. Until the indemnity should be paid, it was provided, a French army should occupy German territory on the Rhine.

In the months that followed, France showed strong inclination to keep the total indemnity indefinite as long as possible, taking meanwhile from time to time all that could be found; but Lloyd George and English public feeling gradually swung over to the opinion that German industry could not be expected to revive with its neck in a perpetually strangling noose. In February of 1921, the commission fixed the total indemnity at about fifty-six billions of dollars, to be paid in installments

<sup>2</sup> To England, France, Belgium, Italy, and Japan; but, as a sop to Wilson’s idealism, those powers are supposed to administer this plunder merely as “mandatories” for the League of Nations, in behalf of the civilized world.

over forty years. Germany protested that this was an impossible sum, and many experts in the Allied countries declared it to be several times more than Germany *could* pay. Temporary occupation of more German territory by French armies followed, with much cruel suffering, and in spite of some subsequent and more reasonable adjustments, the indemnity remains a threat to world peace and world prosperity.

Many of the objectionable features in the treaties were due to the secret bargains for division of spoils by which the Allies had bought the aid of one another. When America entered the war, she renounced the idea of material gains for herself. But even then it was known—somewhat indefinitely—that the Allies had made various secret agreements for plunder, and it is plain now that America should have demanded the cancellation of all such secret treaties as the price of her aid. When the Peace Congress met, those bargains were still not generally understood, but it soon became clear that they would prevent a peace closely in accord with the Fourteen Points. For a time Wilson stood out against the Congress becoming “a Congress for booty,” and once (when Orlando insisted that Italy should have Croatian Fiume, the natural Adriatic door for Yugoslavia) he even cabled to America for his ship. This extreme threat prevented that particular act of plunder, and in the end Wilson reconciled himself to the treaty for the sake of securing the League of Nations. Even so, it was largely due to the American delegation at Versailles that the treaty, in final form, was not more unjust.

As soon as the treaty with Germany was made public, it was denounced vehemently by many earnest thinkers in all lands. Some of the experts attached to the American delegation had already resigned in protest. Jan Smuts, South Africa's hero-statesman, declared in a formal statement that he signed for his country only because peace must be made at once and because he hoped that the worst features of the treaty might be modified later by the League of Nations. Little of this criticism

had to do with sympathy for Germany. It was based rather upon the conviction that the treaty was dishonorable to the victors, inasmuch as it broke faith with a submissive foe after surrender, and that it would breed future wars—and so broke faith even more fatally with hundreds of thousands of splendid youth who had given their lives, in torment and suffering, to “win a war that should end war.”

At the same time the severest critic must confess that the new world map is at least an advance over the old map of 1914. Its political divisions are drawn far more in accordance with reasonable lines of race and language and popular desires—though, to be sure, new injustices, even though minor ones, are fruitful of more disturbance, for a time, than graver grievances to which, from long usage, the sufferers have somewhat adjusted themselves. It is true, too, that most of the new nations (including the new German Republic) have started upon their careers with universal suffrage (male and female) and with other brave attempts at true democracy. Moreover, one vast gain lives—due mainly to one man’s work. What had been a nebulous vision of fantastic dreamers, that man made the question of practical politics. Those critics of Woodrow Wilson who most sincerely mourn his “failure,” know that men would not feel that he had failed if he had not made the goal so clear. The shining mark to which he turned the world’s hope is not achieved in full—but it can never be forgotten.



In America there developed much opposition to joining the League of Nations. President Wilson’s influence finally rallied the Democratic Senators in favor of ratification of the Covenant without modification. With equal unanimity, the Republicans opposed it—but upon two widely different grounds. A small section declared that for America to join any such “super-government” would sacrifice her sovereign independence. Such men urged that we were able to take care of ourselves and

should let the rest of the world look after itself. A much larger group objected to particular features of this Covenant, but agreed that it was no longer possible for America to hold aloof from Europe. Said ex-President Taft:

The argument that to enter this covenant is a departure from the time-honored policy of avoiding "entangling alliances" is an argument that is blind to changing conditions. . . . The war ended that policy. . . . It was impossible for us to maintain the theory of an isolation which did not exist in fact. It will be equally impossible for us to keep out of another general European war. We are just as much interested in preventing such a war as if we were in Europe.

Republican Senators, representing this view, added to the Covenant certain amendments with which they were willing to ratify. President Wilson claimed that such amendments would make ratification invalid. Against his influence the Republicans could not muster the necessary two-thirds vote in the Senate to ratify. The Democrats failed likewise to secure the necessary votes for ratification in the original form. The overworked and harassed President had been on the verge of physical collapse ever since a serious attack of influenza during the Peace Conference. Now, in 1919, while touring the country to arouse support for the Covenant, he suffered a stroke of paralysis. This illness left him incapable of work for many months—and, indeed, kept him in a sadly weakened state until his premature death in 1924.

In 1920 the sick President hoped to make the election of his successor a "solemn referendum" upon this matter of the League. As usual in American politics, too many other questions entered into the campaign to leave any one issue absolutely clear cut; but the election of the Republican candidate, Warren G. Harding of Ohio, by a "landslide" victory, certainly shelved any probability of the United States entering the League for a long time to come.

During the campaign, Mr. Harding's utterances were skillfully evasive on the issue—though he did speak favorably of

some "association" of nations. The extreme opponents (Hiram Johnson of California, Borah of Idaho, and other "irreconcilables") asserted that a Republican victory would mean repudiation of the League; but thirty-one Republican leaders (including Elihu Root, ex-President Taft, Charles Evans Hughes, and Herbert Hoover) published a declaration on October 14 that in their opinion "the true course to bring America into an *effective* league" was by Republican victory. In spite of this, the nation seems now agreed that the election was a verdict against *any* league.



The political campaign of 1920 had shown clearly that the Roosevelt-Wilson era was at an end. Both parties had turned back to the older, McKinley-like, benevolent attitude toward Big Business. The Republican Convention at Chicago (controlled overwhelmingly by large moneyed interests and especially by oil) turned down every shade of Progressivism represented there, and nominated Warren G. Harding of Ohio—prince of good-fellows but also a sincerely religious man, honestly desirous of serving business as the best way of serving America. With equal decision, the Democratic Convention at San Francisco turned down the candidacy of McAdoo and every clause of the progressive program urged upon it by the once-powerful Bryan, to nominate James M. Cox of Ohio, equally satisfactory with Harding to business interests. Cox supported the League of Nations: Harding favored *a* League but not *the League*. The Republican victory was really due to a general reaction among the electorate against the characteristic policies of the Wilson era and to the charm of Harding's promise of a "return to normalcy"—which was taken, correctly, to mean a removal of all restrictions by the government on business, along with such positive favors as the right business interests might ask.

The closing two years of Wilson's last term had been a

period of reaction. The President's earlier progressive friends had been alienated by what they called his surrender of the Fourteen Points at Versailles; and, after his own physical collapse, leadership in the administration fell to the extreme conservative wing of the Cabinet. The refusal of the Senate to ratify the League covenant had carried with it the failure to ratify the peace treaty with Germany—so that technically America remained at war until a brief peace treaty was ratified under the next administration. Meantime, of course, the Espionage and Sedition laws of the war period remained in force, and the reactionary Department of Justice now made use of them with pernicious ardor, not against Teutonic sympathizers and abettors for whom they had been designed, but against "Reds"—with the evident conviction that every progressive was at least some dangerous shade of carmine. The wholesale and utterly unjustifiable arrests made by the officials of the Department in their numerous raids were accompanied, apparently with the approval of the government, by repeated instances of resort to physical torture (the "third degree") to wring confessions from prisoners. Not the least of Charles Evans Hughes' many services to his country was his solemn protest against these invasions of American Constitutional rights by agents of the government. In the summer of 1920, that great leader closed a stirring address at Harvard with the stern warning: "We may well wonder, in view of the precedents now established, whether constitutional government, as hitherto maintained in this Republic, could survive another great war, even if victoriously waged."

For a time, too, it looked as though Congress was prepared to rush legislation to restrict free speech, even for peace time, and to set up universal military training. But, in spite of the hang-over war excitement, the nation at large kept its head—aided materially by courageous warnings from a few trusted leaders like Mr. Hughes—and as Congressmen "heard from home," they allowed those bills to die in committee.

On the other hand, in that period of pressing need, little constructive legislation was secured.

The like remained true during the Harding administration. The Republicans had overwhelming majorities in Congress; but they were bewildered by the completeness of their victory—which they had won without promising any constructive program, but merely by negative criticism of "Wilson policies." The need of sudden readjustment to a peace basis had created tremendous problems. The Federal Reserve System proved its value by preventing a sharp "panic" of the old kind; but the war-stimulated "prosperity" was succeeded by prolonged and unusually widespread industrial depression. During the next few years, many hundreds of small banks closed their doors. In planting crops in 1920, the farmers had had to use the highest-priced machinery and farm labor that America had ever known; but by autumn "the bottom had dropped out" of farm-product values. Prices of farm lands fell far below those of even pre-war years, and soon, to a degree never before equaled, farms were passing, by mortgage foreclosures, into the hands of banks and loan companies. The foreign market for American farm produce was gone—because Europe had no wealth wherewith to purchase—and in consequence, for some years, farmers were unable to replace outworn machinery or to pay for other factory goods. So the slump reached swiftly into other lines of industry. In the summer of 1921, according to the investigations of the Department of Labor, five million workers were vainly seeking employment. During all this same time, thousands of new millionaires, whose swollen fortunes were the result of taking advantage of the nation's needs during the war, insulted this suffering by orgies of wasteful expenditure.

At the opening of the war, American society, as a whole, had surrendered to an unparalleled sacrificial abandonment of self. But now followed, even among "dollar-a-year" men who

had served the nation for that nominal return, a tremendous emotional reaction towards selfish indulgence and riotous pleasures, while, still more ominous, daily disclosures were informing the public that all along an unsuspected and very large part of the rich had been seeking mainly their personal profit in the struggle. Income tax returns proved that the four years of war had made more than seventeen thousand new millionaires in America (half of them multimillionaires), almost doubling the number of that once rare class. During a great coal strike in 1919, Mr. McAdoo, ex-Secretary of the Treasury (just resigned), startled the country by announcing that the coal mine owners, according to their own income tax reports to the government, had made immense profits the preceding year, many of them over 100 per cent on their entire capital stock (which included vast amounts of "water") and some of them 2,000 per cent!—at a time, too, when their workmen at the request of a government board were toiling patriotically for a lower "real wage" than before the war. And Basil M. Manly, one of the joint chairmen of the War Labor Board (page 856), soon published facts and figures to show that McAdoo's statement was too moderate! Quite as outrageous had been the profiteering of the meat-packers and steel mills and munition factories during the war—just when every good citizen was stinting his life, and that of his family, so as to buy Liberty bonds, the proceeds of which the government used to purchase those exorbitantly priced goods. Much of the profiteering had been carried on in perfectly legal fashion, under agreements easily secured from honest and patriotic agents of the government—who found it more important (with time so pressing) to purchase the cordial coöperation of mighty industrial managers by allowing them to decide their own profits than to try to restrict them to more reasonable money terms. But there had been also other profiteering distinctly illegal,—resulting in many government threats of prosecution

later, though, in the final result, no big profiteer was seriously punished.

Moreover, in the tremendous industrial struggles of the years just after the war, the "war mind," with its retrogressive instincts, impelled society to rely on caveman methods rather than on social means. Labor attempted coercion by "general strikes," when the ballot was its proper remedy; and, on the other side, reactionary heads of capitalist associations (organized now nation-wide against even the old trade-unionism) talked openly of using machine guns, sought to break legitimate strikes with state constabularies, Cossack fashion, and strove, by unscrupulous and costly propaganda, to confuse all liberalism with "Bolshevism" in the popular mind.<sup>3</sup>



In September of 1922, Congress enacted rather hastily the Fordney-McCumber tariff, raising the average of duties 25 per cent above the level of the Payne-Aldrich tariff of 1909—the highest tariff of our previous history. President Harding called this law "the greatest contribution toward progress in tariff-making in the nation's history," but the conservative *Wall Street Journal*, representing especially the bankers of the country, called it "one of the most selfish, short-sighted, and extravagant laws of the kind ever enacted." The great bankers had begun to change their attitude toward tariff legislation. Finance had become international, and leading bankers warned the moneyed interests that European countries could not pay their debts to American creditors, or to the national treasury, if we put tariff rates so high that they could not sell us a fair share of their products. This new divergence of feeling be-

<sup>3</sup> See especially the unimpeachable evidence of the Interchurch Movement's *Report on the Steel Strike of 1919*. The conclusive proof given there of the prostitution of the "public" press to serve despotic purposes of big business touches the deadliest danger in American life. See, too, a detailed statement signed by legal authorities of high standing and entitled *Illegal Practises of the Department of Justice*, published at Washington by the National Popular Government League.

tween the two great kinds of business in America (manufacturers and bankers) carries possibilities of mighty consequence.

Near the middle of his term (in August of 1923), President Harding died after a brief illness, and was succeeded by Vice President Calvin Coolidge. President Harding's kindly nature and personal charm had made him exceedingly popular; but his friendship had been grievously abused by unworthy men, and he had died just in time to escape shameful disclosures of corruption and graft among his appointees—scandals that exceeded even those of the Grant era. Three members of the Cabinet (which had been retained in a body by the new President) were finally driven from office, but the new administration as a whole suffered no loss of popular favor—a remarkable testimony to public indifference or to the confidence of the nation in the integrity of the new President.

One shameful case of corruption was uncovered in 1924 in the management of the Veterans' Bureau—which had been created to look after disabled soldiers. Director C. R. Forbes, a close intimate of President Harding (the two commonly addressing each other as "Warren" and "Charley"), had cost the government some two hundred million dollars in waste and graft during a two-year term. For instance, \$70,000 had been "paid" out for "floor-cleaner" (enough to clean all the hospital floors for 100 years) at 98 cents a gallon—the cost being about 4 cents. In 1926, Forbes was sentenced to two years' imprisonment.

Far worse were the oil scandals. Three rich oil areas in California and Wyoming, belonging to the Public Domain, had been set aside in 1912 and 1915 by Presidents Taft and Wilson as reserves for the navy, with the intention of leaving the oil in its natural reservoirs for an indefinite period, so that it might be ready for future emergencies. Congress had approved this policy and had placed control of the reserves in the Secretary of the Navy. Three months after President

Harding's inauguration, an executive order transferred that control to the Secretary of the Interior, Albert B. Fall, and Fall promptly but very privately leased two of these reserves (one of them the famous Tea-Pot Dome) to two oil magnates, Doheny and Sinclair, on terms that virtually made the leases a gift.

The President's order for transfer of control to Secretary Fall, it was discovered, had been drawn up by Fall and had been approved by Secretary Denby of the Navy Department. Denby had been guilty of at least stupid neglect of the vast interests intrusted to his office. In February, 1924, the storm of public criticism led the Senate to pass a resolution calling on the President to dismiss him, and he resigned.

The case of Secretary Fall was more serious. A Senate investigating committee, headed by Senator Walsh of Montana, after sifting a series of unscrupulous falsehoods by Fall and his friends, discovered that he had received in curiously indirect ways from Doheny \$100,000 (in cash in a satchel) and nearly the same amount, in more indirect ways, from Sinclair. At a later date the claim was advanced that the money from Sinclair was a payment for a one-third interest in Fall's ranch—but neither party ever produced satisfactory contemporary records of the transaction. In the course of the inquiries, Mr. Doheny was forced to testify that he expected to clear a hundred millions from the "lease," and Mr. Sinclair acknowledged expectation of similar profit. Finally, Fall resigned; and a federal court cancelled the leases as illegal. The Supreme Court unanimously confirmed that cancellation, adding sternly that the lease to Sinclair was "tainted by fraud." The various criminal prosecutions of the parties resulted, however, after years of delay, merely in "hung" juries or acquittals.

Meanwhile, in March of 1924, the Senate extended its investigation to Attorney-General Daugherty. Daugherty had been one of a group of Ohio politicians on especially friendly

terms with the dead President and an intimate of Fall. He had degraded the great Department of Justice by using its tremendous power and prestige to *impede* the oil investigations and even to try to intimidate investigators. (His secret service men had sought to "get" Senator Wheeler, prominent in the investigation, and had finally had him indicted on trumped-up and flimsy charges.) Now Daugherty was himself suspected of conspiring to defraud the government in another huge financial transaction. Highly sensational evidence revealed him as certainly the intimate associate, even in his home life, of grafters and other extremely disreputable individuals of the underworld. He refused the Senate committee access to certain records of his office that were expected to inculcate him, and President Coolidge was then convinced of the necessity of demanding his resignation. *Meantime, however, the records were made away with.* Late in 1926, Daugherty was at last brought to trial. But in the interval the most important witness in the case had committed suicide in Daugherty's office; another important witness had died; and essential records in a bank of Daugherty's brother's had been destroyed (so the brother testified) by Daugherty himself. Daugherty could not be placed on the witness stand by the prosecution, since no man can be forced to testify against himself, and, though he had long declared that he would welcome a chance to tell the full story, he did not now avail himself of the opportunity to appear voluntarily. He escaped conviction by a "hung" jury, which is said to have voted nine to three against him.



In 1921, early in the Harding administration, Congress enacted a budget system for the national finances, which at last applied the principles used by big business corporations to the regulation of the government's income and outgo. President Coolidge in all his public utterances put much stress on econ-

## ELECTION OF 1924

omy in national expenditure. In 1924, with his approval, Secretary Mellon of the Treasury proposed a sweeping reduction of the income tax removing especially a large part of the burden on great wealth. In Congress the Democrats and Progressives united to change this bill into a still more extensive cut, putting the main reduction, however, in the amounts paid by small incomes. A year later, another reduction was made, more closely in accord with Secretary Mellon's plan, and a second cut of like kind, but still more favorable to large fortunes, was made in 1928.

In the Presidential campaign of 1924, various groups of Progressives, including the American Federation of Labor, adopted Robert M. La Follette for their candidate. The Democratic Convention, after a long session marked by bitter dissension, nominated John W. Davis of New York. Before either of these meetings, the Republican Convention had named Mr. Coolidge as its unanimous choice—except for the withdrawal of a handful of La Follette men. In November, Mr. Coolidge was elected by a huge majority.

The chief revolt against the general economic policy of the Harding-Coolidge period came from the farmers. This class, especially in the West and South, called loudly for legislative action to favor them, as (they claimed) existing laws already favored commercial and manufacturing and railroad interests. A Farm Bureau organization soon enrolled a larger part of the farmers of the country than any preceding farm association had ever done. Though this was not itself a political party, it soon did much to win attention from political parties for farmer needs.

There appeared in Congress, too, a Farm bloc—an influential body of progressives from both parties, who usually acted as a unit on questions affecting agriculture. Conservatives condemned this movement as tending to break down the "American" two-party system. But the Farm bloc did secure a

small amount of helpful legislation—especially its Agricultural Credits Bill, to provide federal aid for coöperative marketing of farm products. Still its only far-reaching bill (the so-called McNary-Haugen measure) was vetoed by President Coolidge in 1927, and again in 1928, though the second time it had passed both houses by greatly increased majorities.

By 1923, manufacturing industries were recovering rapidly from the long depression, and the country generally was entering another period of prosperity. The war had left the United States a creditor nation—much the richest nation on the globe, and the only one ready to supply the large amounts of capital and of new machinery needed in the war-ruined European lands. Farm prosperity, however, has been slower in returning, and until this basic industry is upon a safer foundation, the national prosperity must remain open to sudden collapse. American business men, especially in the West, have come finally to recognize this fact—in striking contrast to the general attitude among them previous to 1922—and are showing a new eagerness at least to aid coöperative marketing.



The outstanding achievement of the Harding administration had been the Washington Conference. Japan, like the United States, had come out of the World War with vast increase of wealth and power. In accord with one of the "secret treaties," she had secured all the Pacific islands north of the equator formerly held by Germany (including a monopoly of vitally important cable stations) and also the rich Chinese province of Shantung. Moreover, she had taken advantage of the absorption of the rest of the world in the war to force upon helpless China great economic control and even considerable political control, and she had begun to get control of Eastern Siberia. Between Japan and the United States there were many old subjects of dispute, and these new arrangements not only threatened American trade but also offended a traditional Amer-

ican friendship for China. The World War had hardly closed, accordingly, when these two countries began an ominous race in naval "preparedness" upon a scale previously unknown, along with costly fortifications in key positions in the Pacific—just such a race as had in Europe proved a prelude to war.

Now ever since 1902, Japan and England had been bound each to defend the Pacific possessions of the other against attack by any other power. After the collapse of Russia and of Germany (against whom that alliance had originally been directed), the United States seemed the only country threatened by the arrangement. The treaty was to expire in 1922, and Canada and Australia (not especially friendly to Japan) were strongly urging that England ought not to renew it. England, impoverished by the war, could ill afford the enormous sums necessary to keep pace with the new American naval program; and in the United States there was a strong minority, at least, opposed to the vast naval establishment under construction, because of fears regarding its moral effects upon our national policies. On the other hand there were loud voices among us calling for "the largest navy in the world."

In the spring of 1921, Senator Borah moved an amendment to a new naval appropriation, directing the President to call an international conference for the consideration of naval reduction. President Harding at first opposed the adoption of this amendment, but finally withdrew his opposition and sent out invitations for a meeting to consider the limitation of naval armaments and the peaceable adjustment of the Pacific disputes.

This conference met at Washington on November 12, 1921, and sat for twelve weeks. It was made up of delegates from the United States, England, France, Italy, Japan, and from four smaller powers interested in Pacific matters—Belgium, Holland, Portugal, and China. Charles Evans Hughes, the American Secretary of State, presided.

On the opening day, Mr. Hughes took away the breath of

the world by making public a detailed proposal for naval reduction. All building of new ships of war was to stop at once—including the huge fleets actually under construction—and considerable portions of the navies already in commission were to be scrapped. England and the United States were to keep an equality of naval power; Japan was to keep three-fifths that strength (about her existing proportion); France and Italy were to have smaller fleets, equal to each other; and none of these powers was to lay down any new "capital ship," even to replace outgrown vessels, for at least ten years. All this applied only to "capital" ships—dreadnoughts, super-dreadnoughts, and armored cruisers—useful for attack rather than for defense. The United States was to scrap thirty ships—sixteen of them under construction, on which a third of a billion dollars had already been expended.

Then followed magnificent proof of the value of "open diplomacy." The amazed world sent up a joyous and almost universal acclaim of approval, and eventually these proposals were adopted without essential change. The Conference proceeded also to remove many of the occasions which might have led to a desire for war. The new fortifications in the Pacific, it was agreed, should be dismantled, and garrisons withdrawn. Equality in the use of the disputed cables was arranged. Japan agreed to withdraw from Shantung and to surrender the other control she had forced upon China (promises that were promptly and fully kept). The Anglo-Japanese alliance was replaced by a new "Four-Power Pact," in which the United States, England, France, and Japan (the only great powers left in the Pacific) agreed mutually to respect one another's possessions there—except that Japan was told freely that this agreement did not extend to her recent military occupation of Eastern Siberia. Japan made no promise on this matter at the time, but seemingly the attitude of America and England at the Conference had its effect, for within a year she did withdraw her last soldier from Siberia.

True, some questions failed of adequate solution. The attitude of France made it impossible to consider reduction of land armaments or to adopt the suggestion of England and America for restricting the war use of submarines to harbor defense. True, too, the type of vessel restricted (though far the most important type until recently) is probably on the way to extinction anyway. It must be acknowledged, moreover, that the years 1928-1929 saw some tendencies toward a revival of the naval race between England and America.<sup>4</sup> But after making all such allowances, the actual achievement of the Washington Conference of 1922 was rich in promise for the world. Many ominous misunderstandings and bitter disputes were cleared up and settled with the utmost good feeling, and the immediate danger of a fatal clash in the Pacific was at least indefinitely postponed. All this was a splendid demonstration of the power of "sweet reasonableness" in settling world problems—if only all the governments concerned can be brought together around a table, in friendly fashion, to hear one another's side courteously presented. The meeting was indeed the forerunner of a series of similar conferences during the next few years in Europe, culminating in the Locarno Conference of 1925 which gave the first real promise since the World War of really restoring peace to that continent.

The United States was so much richer than any other country that she could have kept up the race in naval preparedness without facing the direct and immediate ruin that threatened

<sup>4</sup> The most ominous evidence of this sort was the American "Cruiser Bill" of February, 1929, providing for fifteen formidable ships (of a class that might threaten English commerce in case of war) to be laid down and completed by 1933. The success of the measure in Congress had been made possible, it is well to note, only by the blundering attitude of the Conservative English government in a new conference at Geneva in 1927 on further naval disarmament—an attitude, too, which led to the resignation from the ministry of Lord Cecil, one of the most honored English statesmen of his day, and which was also bitterly condemned by the leaders of the other English political parties. It may be added that while President Coolidge did finally sign the Bill, it had been publicly condemned (in its extreme form) both by him and by President-elect Hoover.

her competitors. With peculiar grace, therefore, the proposal for naval disarmament came from this country. For America voluntarily to surrender her advantage was a shining proof of willingness to trust in goodwill and a sense of justice in the settlement of international disputes.

The war debts of the Allies to the United States had never been funded in negotiable bonds and no payments had been made, even of interest. Our government held only brief acknowledgments of the amounts from the borrowers. Some of the European countries felt strongly that we ought to cancel those debts freely, as part of our contribution to the war. For a time, some Americans, too, felt that this might be the cheapest, and quickest way to bring back world prosperity,<sup>5</sup> but the idea was never very popular here, and it virtually disappeared when it became plain that some of the debtor countries were lavishing vast sums upon even costlier military establishments than they had maintained before the war.

Finally, in 1922, England began payment of the four and a half billions she had borrowed—under a highly honorable arrangement that she had negotiated with our government, whereby she will pay principal and interest in sixty-two equal annual installments. It should be noted, however, that the United States had consented to a very low rate of interest—so that it is computed that (according to usual business arrangements) England is really called on to pay only some 82 per cent of the full debt.

Much less satisfactory arrangements were made in 1926 with Italy. That country is to pay only 25 per cent of its full debt, and, instead of paying in equal installments, it is to make for several years very small payments, less really than the interest due. Financial experts doubt seriously whether the later and larger installments will ever be paid. A similar plan was

<sup>5</sup> England, our largest debtor, had herself loaned to France and Italy about as much as she had borrowed from us, and she offered to cancel the debts due her if we should cancel her debt to us.

negotiated with representatives of the government of France—that country being called upon to pay about 50 per cent of its full debt. The French Chambers, however, finally refused to ratify even that arrangement.



Despite American refusal to join the League of Nations, the United States soon found itself deeply interested in many matters that came before that body and before the various international conferences held in Europe. Accordingly, President Harding, and President Coolidge after him, appointed “unofficial observers” to look after American interests at several such meetings. American delegates played a specially important part in the winter of 1924 in the famous “Dawes Reparations Conference,” so known from its chairman, Charles Gates Dawes, who by the election of the following November became Vice President of the United States. That Conference was prevented, by the resolutely uncompromising attitude of France, from even considering the question of modifying the reparations total; but it did avert an acute European crisis (which had already developed into a “state of war” between France and Germany) by providing *temporarily* for much smaller German payments and by arranging for American loans to aid the distressed German government.

Another American financial expert, Mr. S. Parker Gilbert, was then agreed upon by the Allies and Germany (with the approval also of the United States government) to oversee the workings of “the Dawes Plan.” Mr. Gilbert’s position as “Agent General” gave him far-reaching authority over German national finances and indeed, less directly over German industry and trade. Early in 1928, however, he made plain his opinion that such supervision over a great nation ought to cease and also that the time had come to fix a new total for German reparations—much smaller than that demanded by the Reparations Commission of 1921.

Largely through Mr. Gilbert's influence, the French government was at last induced to agree to the creation of a new Reparations Commission, to reconsider the whole question of German payments. Early in February, 1929, that Commission organized by choosing for its chairman, Owen D. Young, who with J. P. Morgan comprised the "unofficial" American representation. At this writing (May, 1929), the discussions have at least convinced world opinion that the allies must be content to accept a mere fraction of their demands of a few years ago, and, with the exception of France, they are apparently prepared to do so.

Not long before his death, President Harding strongly recommended that the United States give its adherence to the World Court. This "Permanent Court of International Justice" had been created by the League of Nations and had largely replaced the old Hague Court. At the invitation of the League an American jurist, Elihu Root (formerly Secretary of State to both Roosevelt and Taft) had taken a leading part in drawing up the plan of organization and procedure, and the League had chosen for one of the eleven judges another distinguished American, John Bassett Moore, who had been professor of international law at Columbia University. (In 1928, when Justice Moore resigned, the vacancy was filled by the appointment of Charles Evans Hughes.)

Excepting that the League elects the judges, the Court has no dependence upon it. President Harding took the ground, therefore, that the United States could become a party to the Court without becoming a party to the League—by sending representatives to the League Assembly and Council when those bodies elect members of the Court but only for that purpose. "Die-hard" opponents of the League objected, however, that this really would mean entering the League "by the back door," and the Senate failed at that time to take action.

President Coolidge renewed the recommendation, and public bodies of many kinds (including especially women's organizations) expressed enthusiastic desire that the United States should become a member of the only international machinery, existing or likely to come into existence, for the peaceable and rational adjudication of international disputes. In 1926, after three years' delay, the Senate at last ratified the proposal; but it accompanied its ratification with a series of "reservations." Four of these were unobjectionable (though needless), but the fifth demanded for the United States an exemption from the Court's jurisdiction, under certain conditions, not possessed by any of the forty-eight nations already adhering to the Court. This final reservation, therefore, prevented the Senate's ratification from becoming effective.

The forty-eight nations, however, did arrange, through the League of Nations and with the approval of the Court, for a new international commission of famous jurists to revise the rules of the Court's procedure. The phrasing of one rule adopted in April, 1929 (suggested by the venerable Elihu Root) will perhaps make it easier for old opponents in the United States to reconcile themselves to America's joining the Court.

Meantime, adhesion to the Court was one of five planks urged upon both parties in 1928 by the League of Women Voters, but that plank was unceremoniously rejected by the Republican Convention at Kansas City in June, and the issue was evaded by the Democratic Convention at Houston the following month. None the less, victory for the adhesionists is made probable in the near future, not merely by the coming revision of rules, just mentioned, but even more by the trend of certain other events now to be discussed.



In the political campaign of 1928, the Republicans made Herbert Hoover President by the largest electoral majority

in our history—444 to 87. (Cf. page 812.) The popular majority, however, was considerably smaller than that of President Coolidge four years earlier, though the total popular vote was nearly a third larger (31 per cent, more exactly) than in that hotly contested election.

This amazing increase in the number of citizens (from 29 million to almost 38 million) who took the trouble to exercise the right of voting was due in part, no doubt, to the new use of the radio as a chief electioneering agency. Night after night the candidates or their trusted aides presented the issues of the campaign, not merely to a few thousands of their fellow citizens at most (as in previous years), but to ten million or more at a time. It is probable, however, that the unprecedented growth of the vote was due still more to the issues themselves—or to what were believed to be the issues.

Happily the leaders of the two great parties (as well as their Socialist rival, Norman Thomas) were men of high character in both private and public life. The Democratic candidate was Alfred E. Smith, better known as "Al" Smith, who had served four terms as governor of New York. Governor Smith, admittedly, had made an unusually statesmanlike and successful executive—honest, fearless, progressive, and efficient. But he deeply offended the "dry" sentiment of the West and South by frankly advocating a modification of the national prohibition policy, and, in those same parts of the country, the fact that he was a Roman Catholic (though less publicly discussed) proved a heavy handicap. His picturesque rise from "the sidewalks of New York," where he had begun his career as a friendless newsboy, was more than offset, too, in the mind of the average voter by the fact that he had entered political life, in early manhood, under the auspices of the Tammany organization. In the final result the "Solid South" was split, for the first time since the Civil War,—half its states (along with all the "Border" states) giving their electoral votes to the Republicans.

Mr. Hoover had been especially recommended to public favor by his remarkably efficient work during the World War, first in the relief of starving Belgium and afterward as head of the Food Commission at home (page 857, note). He had had also other and earlier broad acquaintance with world affairs, and during the recent eight years he had served in the Harding and Coolidge Cabinets, where he had grown gradually into a dominant influence and where he had gained a contact with *national* affairs that his opponent was not generally supposed to possess. Like that opponent, he, too, illustrated the spectacular rise from poverty and obscurity that America welcomes in its public men as proof that here still is a land of opportunity. He was of Quaker descent—the son of an Iowan blacksmith—but, after working his way through college, he had become known to men of affairs the world over as one of the most brilliant of living engineers, long before his career in the World War made his name familiar to the masses of his countrymen. But after all his chief asset in the election was that he had only “to hold the fort” in a country which for more than sixty years has been “normally Republican.”

In the interval between the election and his inauguration, Mr. Hoover spent several weeks in visiting the republics of South and Central America. The enthusiasm with which he was everywhere greeted, during that “good-will tour,” was significant of the courtesy so universal among the peoples of those lands rather than of any definite change in their suspicious attitude toward the United States; but undoubtedly, in his interviews and his public addresses, the President-elect did lay a promising foundation on which he may build, in the years to come, a more friendly understanding with our southern neighbors—especially since, in recent months, the statesman-like diplomacy of Mr. Coolidge’s new ambassador (Mr. Dwight Morrow) had already in large measure restored good feeling between the United States and Mexico.

Moreover, just while Mr. Hoover was thus cultivating Pan-American good-will, two other events paved the way toward the same result. (1) A "Pan-American Conference on Conciliation" at Washington (happily in session at the critical moment) managed in January, 1929, to arrange for the arbitration of a dispute between Bolivia and Paraguay which had already reached the stage of border warfare. And (2) in the following February the United States Senate unanimously ratified an improved "treaty of conciliation" proposed to all American republics by that same Conference. (An earlier treaty of like purpose, adopted some years before, had unhappily left a fatal loop-hole through which any party to a dispute might avoid investigation of its claims merely by declining to take part in the selection of a joint commission of conciliation: the new treaty provides for what are practically *standing* commissions.) By this ratification the United States for the first time has consented to submit *any* controversy between itself and any other American state to investigation, at least, by an impartial commission—and so to the influence of world opinion.



Of a like kind, but even more vitally important, was another event of the same months which concerned countries in the Old World also. As late as the opening years of the present century the idea that war could really be abolished seemed even to most humanitarian thinkers merely "a sentimental delusion of a few cranks." But since 1920 it has become the almost universal preoccupation of statesmen—who, the world over, vie with one another in expressing detestation of that ancient institution, without any longer excusing it as inevitable. True, as late as 1924, when Mr. Salmon O. Levinson of Chicago, formally proposed that the civilized nations should, each for itself, "outlaw war," the suggestion aroused anger or grief

among the great majority of the earnest advocates of world peace, who feared that derision might be so drawn upon the whole peace movement. But in April of 1927, Aristide Briand, French Minister for Foreign Affairs, proposed the insertion of just that phrase, "outlaw war," in the renewal of an expiring arbitration treaty between France and the United States. Frank B. Kellogg, the American Secretary of State, welcomed the idea, but urged in addition that any other nation wishing to do so ought to be allowed to join in the treaty. For a time French statesmen held that previous European engagements would forbid the consent of France to so sweeping a proposal; but, after many months of cable "conversations" and the exchange of diplomatic visits, it was finally agreed that the United States should propose to each nation of the world a multilateral peace treaty, to be reciprocally binding between all nations that might ratify it.

That treaty, in its final form, does not indeed use the words "outlaw war," but each ratifying nation does solemnly pledge itself to "renounce war as an instrument of national policy." And before the inauguration of President Hoover (in March, 1929), the treaty, still only a few weeks old, had been ratified not only by France and the United States (with only one dissenting vote in the United States Senate!) but also by enough other leading nations to put it at once into effect. True, sad experience has taught that any treaty which becomes unpopular with the mass of a powerful nation is likely to prove merely "a scrap of paper," and skeptics have been fond of discounting this agreement to renounce war as "a mere gesture." But shall we not at least hail it as a noble and gracious gesture, under whose auspices all lovers of peace may work with livelier hope to mobilize opinion in every land against any infraction of a peace policy!

President Hoover's Inaugural Address of March 4, 1929, was notable chiefly for its passages regarding this "Kellogg Peace

Pact.” On nearly every other matter the President confined himself, properly enough, to brief statements of general principles. Even the pressing questions of farm relief and of “limited” tariff adjustments he dismissed with the declaration that he planned to present his views to the special session of Congress soon to be called—in accordance with campaign pledges. But that large portion of the document dealing with peace movements (nearly a fourth of the whole paper) was not only more definite and concrete than any other part, but it had also in high degree that impressive eloquence that comes from sincere conviction and deep feeling. President Hoover acknowledged frankly that the American people seemed to have decided against membership in the League of Nations, but (all the more, seemingly) he welcomed the Peace Pact as introducing a new era in international relations. It ought to be recognized, he urged, as paving the way for further disarmament—and he made plain his hope that his administration might bring about a new world conference for that purpose. Even more specifically he hailed the Pact as making natural and inevitable the adhesion of this country to the World Court,—which, he adds, in its major purpose, is

peculiarly identified with American ideals and American statesmanship. No more potent instrumentality for this purpose [“the pacific and judicial settlement of controversies between nations”] has ever been conceived, *and no other is practicable of establishment. . . .* The way should, and I believe will, be found by which we may take our proper place in a movement so fundamental to the progress of peace.



For domestic problems as for world affairs, American life in this twentieth century finds itself launched into a new and distinct era—with a civilization characterized by the use of the

machine and ruled frankly by "business." These characteristics are shared, of course, by all the Western hemisphere and by all Europe west of Russia, while the remaining parts of the globe show at least a drift toward them; but it remains true that, in a peculiar degree, the United States typifies them and has led in their development.

The terms "machine civilization" and "business rule" do unquestionably connote real evils in our present, and possibly greater evils for our future. But, let us be assured, they point also to vaster *possibilities* for good. Along which road America shall lead the world—whether downward toward an enslavement of the body and a standardized mentality, or upward (through a proper mastery and a wise utilization of new and beneficent forces) toward a finer way of living for the whole body of mankind than has ever yet been realized—this choice rests with the men and women of the years just ahead.

The factory machine does tend today to create a minute subdivision of labor. This in turn tends to reduce the average factory worker to an automaton, repeating through all his industrial life some one set of simple and wholly uninteresting motions that call for almost no intellect and for not much even of manual dexterity. True! But if the collective intelligence of society, and its collective will, become christianized and humanized enough—or merely sensible enough—to care as much for turning the factory "hand" into a better kind of man as for turning a steel bar into cheap pins, surely some way can be found to accomplish the higher purpose without sacrificing the lower one. Meantime, it must not for a moment be forgotten that even today there are multitudes of machines of a different type—like the electric tractor that plows and harvests—which demand and develop in the humblest operator a mentality infinitely above that of the bowed slave of old whose most efficient form of toil was to break clods with a crooked stick: infinitely above that even of a very recent variety of "man behind the plow," who knew no better way to increase

the efficiency of his main "power" than the brutal use of the ox-goad upon his unoffending co-laborers in front of the plow.

Here then are two reactions of the machine-age upon the human spirit. It is for an educated and humanized society to *choose* which one of them shall rule the future.

So, too, of the rule of civilization by business. Today the relatively few men who organize and control vast aggregations of capital in business and industry do mold the worldly destiny of the multitudes—quite as surely as a few thousand lords of feudal castles, with their retinues of mailed men-at-arms, ruled the lives of European millions eight hundred years ago. Those thinkers whose eyes are turned too uncompromisingly upon a shining goal—upon that fine and noble thing which humanity *might* so easily make out of life upon this earth—sometimes cry out in wrathful disgust that merely so to have exchanged the rule of brute strength for the rule of selfish cunning carries far too little gain for those long centuries of human endeavor. More realistic thinkers must acknowledge, however, that even that change of masters—from brutal and ignorant selfishness to enlightened selfishness—has brought tremendous gain to a large proportion of the human race. Nor is there any reason why thinkers who combine realism with a true idealism may not work hopefully for mightier gains in time to come for the common life of all mankind.

It is quite conceivable, of course, that such gain *might* come from supplanting business control by some other form of social organization. The realist, however, will find it hard to escape the conclusion that the American people have decided deliberately and definitely in favor of continued business domination in our society for long to come. Witness the presidential campaigns of 1920, 1924, and 1928, which, each more clearly than the preceding one, have emphasized the refusal of the nation to permit any effective check upon rule by our business interests.

This volume certainly has not shirked the unpleasant task of portraying the sins and shames of business during the past sixty years in which it has fastened its control upon our society. But we should recognize gladly the high promise of good in the recent evolution of business itself—within whose “enlightened selfishness” there seem to develop germs for growth toward more enlightenment and so toward less selfishness.

Less than a year ago a leader among the younger American scholars and publicists commented despairingly, in the writer’s home, upon the fact that no “successful” business rascality could draw down upon the perpetrator any serious public condemnation from business circles. But as this page is written, the daily paper announces the triumphant conclusion of a struggle by the younger Rockefeller (a struggle that must have risked business sacrifices) to remove from office the president of the Indiana Standard Oil Company because of his “moral unfitness.” Colonel Stewart’s immorality had consisted in giving false testimony (under conditions, however, that precluded legal penalties) to help Sinclair of Teapot Dome infamy escape conviction. It is too true that the great majority of small stockholders in the oil company supported Colonel Stewart ardently—quite content with the huge dividends he was securing for them—and that Rockefeller won only because he and a few adherents controlled immense blocks of stock. Still, after all deductions are made, it remains beyond dispute that the offender has been punished by a social and business ostracism (even if an incomplete one) new in American experience. No such penalty was dreamed of in business circles fifty years ago even for the Star-route thieves; nor is it likely that any such proceeding would have occurred to the older Rockefeller in the days when he was organizing the first trust. Business has been growing more moral, as well as better mannered, in recent decades.

Indisputably, too, the conviction grows, slowly, that business success must justify itself not merely by accumulating pri-

vate gains without violating the ancient standards of honesty and truthfulness, nor even merely by using surplus gains afterward in benefactions to society (however wisely executed), but primarily by having rendered proportionate returns in service to others in the very process of making private gains. And, with this change, there comes a new and wholesome attitude toward business itself. All the old aristocracies despised and condemned business as mean and ignoble, and modern business men have usually seemed willing to concede carelessly that there could be nothing particularly fine in their occupation. But this new tendency among them to recognize and emphasize the nobler functions of their work toward others is accompanied naturally by a still newer recognition of its nobler reactions upon themselves. It is significant that recent conventions of business men, and of teachers in commercial schools, find room in their brief programs for addresses by intellectual leaders like John Dewey. It is significant that one of the topics frequently discussed of late years in such gatherings is the cultural background for business training and the cultural results of that training—implying, as such discussion does, that there are cultural values in carrying on business.

May not beneficent forces in business life, such as these so imperfectly suggested, eventually make the business rulers of our civilization into leaders fit to lead?

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